



भारतीय विधिज्ञ परिषद् BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi - 110002

Press Release Dated 23.04.2023

Today, a joint meeting of all the State Bar Councils with Bar Council of India was held in the Auditorium of Bar Council of India.

Several issues were discussed and deliberated in the joint meeting, but, the two agendas (i) One relating to the serious disadvantages of concept of same sex marriage; and to make aware the Supreme Court with the opinion of the Bar of the country; AND (ii) Some law for protection and compensation of lawyers and their families were too the main issues to be considered and resolved.

The joint meeting was attended by the representatives of all the State Bar Councils of the country. On the issue relating to the "Same Sex Marriage" the following resolution has been passed by the Joint Meeting: -

"Resolution dated 23.04.2023: -

- 1. The Joint Meeting of all the State Bar Councils with Bar Council of India has discussed and deliberated over this agenda. The ongoing proceedings before the Constitutional Bench of the Hon'ble Supreme Court in the matter titled as Supriyo @ Supriya Chakraborty versus Union of India [Writ Petition (Civil) No. 1011/2022] and other connected matters is a matter of great anxiety and serious concern for the Bar. The traditional and old aged marriage laws have been challenged by the petitioners of the writ case, on the grounds of being unconstitutional, as our laws do not recognize marriage between the same-sex couples.*
- 2. India is one of the most socio-religiously diverse countries of the world consisting of a mosaic of beliefs. Hence, any matter which is likely to tinker with the fundamental social structure, a matter which has far reaching impact on our socio-cultural and religious beliefs should necessarily come through Legislative process only, the meeting unanimously opined. Any decision by the Apex Court in such sensitive matter may prove very harmful for the future generation of our country.*
- 3. There is no gainsaying that the issue at hand is highly-sensitive, commented upon and criticized by various sections of society, including socio-religious groups, for being a social-experiment, engineered by a selected few. This, in addition to it, being socially and morally compunctive.*
- 4. The responsibility of lawmaking has been entrusted to the legislature under our Constitution. Certainly the Laws made by the legislature are truly democratic as they are made after undergoing thorough consultative processes and reflect the views of all sections of the society. The legislature is accountable to the public.*
- 5. The Joint meeting, thus, is of the unanimous opinion that in view of the sensitivity of the issue of same sex marriage, having a spectrum of stakeholders from diverse socio-religious background, it is advisable that this is dealt with after an elaborative consultation process involving different social, religious groups by the competent legislature.*

Law is essentially a codified societal norm that reflects the collective conscience of its people. Moreover, religion being intertwined with culture, greatly influences the codification of law and societal norms in any civilized society.

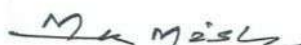
6. *As per documented history, ever since the inception of human civilization and culture, marriage has been typically accepted and categorized as a union of biological man and woman for the twin purpose of procreation and recreation. In such background, it would be catastrophic to overhaul something as fundamental as the conception of marriage by any Law Court, howsoever well-intentioned it may be.*
7. *Issues pertaining to social and religious connotations should typically be dealt by Courts through doctrine of deference. The legislature being truly reflective of the will of the people is best suited to deal with such sensitive issues. Every responsible and prudent citizen of the country is worried about the future of his/her children after coming to know about the pendency of this matter before the Hon'ble Supreme Court. More than 99.9% of people of the country are opposed to "the idea of same sex marriage" in our country. The vast majority believes that any decision of the Apex Court in petitioners' favour on this issue will be treated to be against the culture and socio religious structure of our country. The Bar is the mouthpiece of the common men and, therefore, this meeting is expressing their anxiety over this highly sensitive issue. The Joint Meeting is of clear opinion that if the Hon'ble Supreme Court shows any indulgence in this matter, it will result in destabilizing the social structure of our country in coming days. The Hon'ble Apex Court is requested and expected to appreciate and respect the sentiments and mandate of the mass of the country.*

Thus, this Joint Meeting of the State Bar Councils and the Bar Council of India while appreciate the step of the Hon'ble Supreme Court for having started this sensitive conversation, having long-term societal ramifications, resolves to request the Hon'ble Apex Court that the issue at hand be left for the legislative consideration, who after wide-ranging consultative process, may arrive at an appropriate decision, as per the societal conscience and mandate of the people of our country."

- (iii) Besides this, the meeting unanimously resolved to request the Union Government to frame effective law for the protection of lives, interests and privilege of the Advocates and their families and in case of any attack on them or in case of (any bodily harm) injury to them or their family, the meeting has demanded an effective law for appropriate payment of compensation in such cases.

These apart, the meeting has also discussed and taken resolutions with regard to (iv) the uniform rules for the enrolment fee, (v) approval of the Bar Council of India Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022 and (vi) the criteries/qualification and disqualifications for (a) being a voter in the elections of State Bar Councils; (b) criterias for being a Member of State Bar Council; and (c) criterias for being the Member of Bar Council of India and (d) the issue of resolution of strikes.

The meeting was presided over by Mr. Manan Kumar Mishra, Senior Advocate, Supreme Court of India, Chairman, Bar Council of India and ended with the vote of thanks given by Mr. S. Prabakaran, Senior Advocate, Vice-Chairman, Bar Council of India.


(Manan Kumar Mishra)
Chairman
Bar Council of India