



Statement in support of the Supreme Court Bar Association of India and concern over the treatment of lawyers in New Delhi

The Commonwealth Lawyers Association (CLA) expresses its grave concern regarding the recent events in New Delhi, India, where lawyers were reportedly prevented from discharging their duties, assaulted and detained by the Police.

The CLA stands in solidarity with the Supreme Court Bar Association (SCBA) and the Supreme Court Advocates-on-Record Association (SCAORA) in their condemnation of these actions and unequivocally supports their efforts to protect the independence of the legal profession and the rule of law.

According to reports, on 10th October 2026, approximately 50-60 lawyers were detained near the Supreme Court premises while participating in a peaceful protest. Several lawyers were reported to have been placed in police vehicles and detained without being informed of the grounds of their detention. Further, lawyers seeking to provide legal representation for other detainees who had also participated in the protest were denied access and, in some instances, assaulted and detained themselves.

The right to assemble peacefully and express dissent is a fundamental constitutional guarantee under Articles 19(1)(a) and (b) of the Indian Constitution, and any arbitrary attempt to prevent the exercise of this fundamental liberty is unlawful.

The CLA notes the prompt intervention of the Supreme Court of India. In a special sitting on 11th October 2026, the Supreme Court directed that there be no illegal detention of unarmed citizens, no disruption of internet services, and no obstruction of lawyers, journalists, and other professionals in their duties. The Chief Justice of India subsequently observed that every member of the Bar has the right to participate in peaceful activities.

The CLA emphasizes that an independent legal profession is vital to the maintenance of the rule of law. United Nations Basic Principles on the Role of Lawyers (1990), at Principle 16 which stipulates that:

'Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or

administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.'

Further, the Commonwealth Bar Leaders Declaration on Preserving and Strengthening the Independence of the Judiciary and on Ensuring the Independence of the Legal Profession 2023 (Goa Declaration) provides as follows

'6. Lawyers must be free to perform all their professional duties without threats, intimidation, hindrance, harassment or improper interference or influence.

7. Lawyers must not suffer or be threatened with any criminal prosecution, civil action, or sanctions of administrative, economic, or other nature for the discharge of their professional functions in accordance with recognized professional and ethical standards.'

These principles mandate that lawyers must be allowed to perform their professional functions without intimidation, hindrance, harassment, or improper interference, and must not suffer or be threatened with prosecution or administrative, economic, or other sanctions for any action taken in accordance with recognized professional duties.

Preventing lawyers from assisting clients directly undermines these fundamental international standards

The CLA also notes that the Commonwealth Charter contains a commitment by Commonwealth states:

2. Human Rights

We are committed to the Universal Declaration of Human Rights and other relevant human rights covenants and international instruments. We are committed to equality and respect for the protection and promotion of civil, political, economic, social and cultural rights, including the right to development, for all without discrimination on any grounds as the foundations of peaceful, just and stable societies.

We note that these rights are universal, indivisible, interdependent and interrelated and cannot be implemented selectively. We are implacably opposed to all forms of discrimination, whether rooted in gender, race, colour, creed, political belief or other grounds.

The CLA also reminds that the Commonwealth (Latimer House) Principles on the Three Branches of Government, at Principle 1, unequivocally state that:

'Each Commonwealth country's Parliaments, Executives and Judiciaries are the guarantors in their respective spheres of the rule of law, the promotion and

protection of fundamental human rights and the entrenchment of good governance based on the highest standards of honesty, probity and accountability.'

The CLA calls upon the Government of India and the relevant police authorities to:

- Uphold and protect fundamental rights vouchsafed in the Constitution of India and ensure that these rights are not honoured in breach or indifference.
- Respect the independence and safety of the legal profession and ensure that lawyers are never targeted, harassed, or penalized for representing their clients.
- Strictly adhere to the directives issued by the Supreme Court of India.
- Conduct an immediate, transparent, and independent investigation into the allegations of abuse of power by the police and hold those responsible accountable.

23rd October 2026

The **Commonwealth Lawyers Association** is an international non-profit organisation which exists to promote and maintain the rule of law throughout the Commonwealth by ensuring that an independent and efficient legal profession, with the highest standards of ethics and integrity, serves the people of the Commonwealth. commonwealthlawyers.com