

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

W.P. No. _____/2020 (GM-PIL)

BETWEEN:

The Advocates' Association, Bengaluru (R),
Having office at Vakeelara Bhavan,
City Civil Court complex,
Behind Cauvery Bhavan,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 009.

Represented by its Secretary

..Petitioner

AND:

1. State of Karnataka,
Rep. by Chief Secretary,
Vidhana Soudha,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.

2. Karnataka State Bar Council,
Having its office at Old KGID
Buildings,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.

Represented by its Secretary

..Respondents

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

The Petitioner-Association above named most respectfully submits as follows:

1. It is submitted that the Petitioner-Association is an Association registered under the provisions of the Karnataka Societies Registration Act 1960. The Petitioner-Association comprises of lawyers practicing in courts at Bengaluru and having around 24,000 lawyers as its members. The objects of the Association inter-alia is to promote the interest of the members of the Bar, to take up development work for the welfare of the



Advocates fraternity, to protect and promote the interests of the junior section of the Bar.

2. It is submitted that a large number of the advocates in the State of Karnataka do not have other source of income apart from their professional earnings in the field of law. Lawyers are dependent upon the legal profession for their livelihood. Due to the present Covid 19 pandemic situation prevailing in the entire country, normal functioning of the Courts have stopped. In view of the same, majority of the lawyers practicing in the State of Karnataka have suffered huge monetary loss since 24.3.2020, from which date the courts are not functioning normally.

3. It is submitted that several representations have been made by various bar associations to the Respondents seeking for financial assistance to the members of the respective Bar Associations. The State Government has not considered any of the representations and has not provided any assistance to the Bar Associations. The petitioner-Association gave a representation to the Hon'ble Chief Minister, State of Karnataka on 12.5.2020 requesting him to provide a special package to the lawyers in the State of Karnataka. In the said representation, it was also made known that the State Government of Telangana has announced a sum of Rs.25 crores to the advocates fraternity and several other State Governments have followed the same. A copy of the representation dated 12.5.2020, bearing No. AAB/046/2020, made by the Advocates Association, Bangalore, to the Hon'ble Chief Minister of Karnataka, is produced herewith and marked as **Annexure-A**.

4. It is submitted that again on 22.6.2020, the Advocates Association, Bangalore (petitioner-association herein) gave a representation to the 1st Respondent requesting the 1st Respondent to provide a package of a sum of Rs.50 crores including the sum of Rs.5 crores which had already been announced by the State Government at that point of time. Further, in the said representation, it was also requested the State Government to provide a free health insurance scheme to the advocates practicing in the



State of Karnataka. A copy of the representation dated 22.6.2020 bearing No. AAB/061/2020, is produced herewith and marked as **Annexure-B**.

5. It is submitted that apart from the above representations given by the petitioner-association, several representations were given by the advocates associations of various other districts of the State seeking for financial assistance to the lawyers in distress. The Respondent No. 1, even after receipt of the above representations, has failed to consider the said requests and pass appropriate orders by granting relief sought in the said representations. The Petitioner-Association, on 8.9.2020 has given representation dated 07.09.2020 to the Karnataka State Bar Council, the Respondent No. 2 herein, to provide a sum of Rs.1.50 crores to the Petitioner for distributing the same to its members who are in financial distress. A copy of the said representation dated 7.9.2020 given by the petitioner-association to the 2nd Respondent is produced herewith and marked as **Annexure-C**.

6. It is submitted that in the meanwhile, a writ petition was filed by the Karnataka State Level Advocates Clerks Association (Regd) against the Respondents herein before this Hon'ble Court, vide W.P. No. 6745/2020 seeking for the following reliefs:

“(a) Issue a writ of mandamus directing Respondent No. 1 to create a corpus of Rs.5,00,00,000 (Rupees Five crores only) to ensure that the subsistence of the members of the petitioners' Association is guaranteed in terms of right of livelihood guaranteed by Article 21 of the Constitution of India, during the period of closure;

(b) Issue a writ of mandamus directing the Respondents No. 2 to disburse a sum of Rs.20,000 (Rupees Twenty Thousand only) per month per registered member of the petitioner-Association from the corpus created by Respondent No. 1 on submission of the requisite identity card

(c) Issue a writ of mandamus directing the 1st Respondent to formulate a scheme for the welfare of the members of the



petitioner-Association

(d) To Issue a writ of mandamus directing the 1st and 2nd Respondents to implement the order dated 16.04.2008 passed in W.P. No. 20740/2005 (GM-RES) by this Honourable Court.

(e) Pass such other orders, directions, writ etc. as this Hon'ble Court may deem fit in the interest of justice and equity."

In the said writ petition, this Hon'ble Court has impleaded the petitioner-association as Respondent No. 3. The scope of the writ petition was enlarged and this Hon'ble Court vide its order dated 4.8.2020 had enlarged the scope of the writ petition by holding that the issue regarding rendering helping hand to the members of the Bar can be gone into in the said writ petition as Karnataka State Bar Council and other 3 bar associations were represented before this Hon'ble Court. The copy of the order passed by this Hon'ble Court on 4.8.2020 in WP No. 6745/2020 is produced herewith and marked as **Annexure-D**. This Hon'ble Court in the said writ petition had also directed the State Government to take appropriate decision on the representation made by the Belagavi Bar Association, District Association of Dharwad and also representation given by other bar associations seeking financial help. This Hon'ble Court had granted time to the State Government to take appropriate decision on the above aspect.

7. It is submitted that a letter was addressed on the administrative side to the Hon'ble Chief Justice of this Hon'ble Court by the Belagavi Bar Association in which, inter-alia, it was contended that a scheme should be drawn by the State Government to distribute Rs.5 crores to the members of the bar. Likewise, such other representations were given by the various associations across the State.

8. It is submitted that due to Covid 19 pandemic situation, the members of the Advocates have suffered very badly. The Advocates Association, Bangalore has a membership of about 24,000 lawyers. Most of the lawyers, being its members, are from rural background and their financial status is very bad. They are residing in rented houses in Bangalore and many of them have taken their office premises for rent and they have to



pay their house rent and also the rent of their office. Thus, the advocates are greatly suffering as their income has come to a standstill due to the courts not functioning normally and they are finding it difficult to sustain in Bangalore.

9. It is submitted that the Advocates' Association had given a representation to the Hon'ble Chief Minister on 12.5.2020, requesting the Hon'ble Chief Minister to provide a special package to lawyers considering the fact that already a sum of Rs.25 crores had been released at that point of time by the State of Telangana to help its lawyers practicing in Telangana State, and also a reference was made in the said representation to the fact that many other State Governments have released amounts to the lawyers practicing in their respective States. Thereafter, the Petitioner again addressed another letter to the Hon'ble Chief Minister on 22.6.2020 that the State Government has released an amount of Rs. 5 crores to the lawyers practicing in the State and requested to release an additional financial assistance of Rs.45 crores to the lawyers practicing in the State in addition to the funds of Rs.5 crores proposed to be released by it, as a special package. In the said representation, it was contended that nearly 1,00,000 lawyers are practicing in the State of Karnataka and out of which only around 15% of the lawyers are financially sustainable and the remaining 85% of them are in great financial distress. That most of the young lawyers have to pay rents to their residences/paying guest hostels as many of them are not residing in the rented houses at Bangalore and have to pay rents to their offices to run their profession and lead a normal life, which has become very difficult for them.

10. It is submitted that this Hon'ble Court by its order dated 04/08/2020 in the writ petition bearing W.P. No. 6745/2020 had directed the State Government to take appropriate decision on the representation made by the Belagavi Bar Association, District Association of Dharwad and also representation given by other bar associations seeking financial help. The Respondent no.1, pursuant to the orders passed by this Hon'ble Court, has



passed an order on 20.8.2020 bearing No.Law:LAD:17/2020, which has been produced as Annexure-R4 in the WP No. 6745/2020 by the 1st Respondent, in which it is stated that the Government cannot consider the representation of the Bar Associations of other districts in the State as Finance Department has already released funds to the Karnataka State Bar Council. The copy of the order passed by the 1st Respondent dated 20.08.2020 is produced herewith and marked as **Annexure-E**. The order passed by the Respondent No. 1 on 20.8.2020, on the face of it, is erroneous as it is passed in violation of the order dated 4.8.2020 passed by this Hon'ble Court in W.P. No. 6745/2020.

11. It is submitted that this Hon'ble Court, in its order dated 4.8.2020 in W.P. No. 6745/2020 had specifically directed that an appropriate decision should be taken by the State Government on the representations made by respective Bar Associations in the State for rendering financial support to the lawyers. Though such a specific direction is issued by this Hon'ble Court, the State Government has held that it cannot consider the representations made by the Bar Associations of other districts. This clearly is a willful violation and disobedience of the orders passed by this Hon'ble Court. Respondent No. 1 has not shown any respect to the orders passed by this Hon'ble Court and it has willfully failed to comply with the orders of this Hon'ble Court. On the face of it, Respondent No. 1 has stated that it cannot consider the representation of the Associations of other districts. This is a willful disobedience to the orders of this Hon'ble Court and also in utter disregard to the plight of the lawyers of the State who are always contributing to the welfare of the Society.

12. It is submitted that on 20.8.2020, when the matter in WP No. 6745/2020 was listed before this Hon'ble Court, the learned Addl. Advocate General stated that the issue regarding rendering financial help in so far as helping the Advocates' clerks based on the representation made by the Advocates' clerks' Associations are pending before the Hon'ble Chief Minister, appropriate decision would be taken soon. Thereafter, the matter was posted to be listed on 1.9.2020. On 1.9.2020,



the Respondent no.1 in the said writ petition contended that it had disposed of the representations made by all the Bar Associations, including that of Bangalore and Dharwad, by directing them to approach the Karnataka State Bar Council. This Hon'ble Court in the said writ petition was pleased to direct the State Government to place on record the decision taken on the representations made by the Bar Associations so that the Court can examine whether the Government has given reasons. For examining the orders passed by the State Government, the petition was directed to be listed on 7.9.2020. The copy of the order passed by this Hon'ble Court on 1.9.2020 in W.P. No. 6745/2020 is produced herewith and marked as **Annexure-F**.

13. It is submitted that on 7.9.2020, the Respondent No. 1 furnished the copy of the orders passed by it in which it was stated that the Government cannot consider the representations of the Bar Associations of other districts. This portion of the order of the State Government is violative of the principles of natural justice and also provisions of the Constitution of India, as the same being arbitrary. Hence, the said order is liable to be set aside.

14. It is submitted that the order passed by the Respondent No. 1 is without reasoning and without applying its mind while disposing of the representations made by the petitioner-association and other Bar Associations. The State Government hastily has disposed of the representations made by the respective Bar Associations without considering the plight of the lawyers. The representations made by the Bar Associations of the State had serious contentions. The representations contained the sufferings and plea of the lawyers and the financial distress suffered by young lawyers and such other difficulties of the lawyers. There was a representation containing that lawyers may be given financial assistance in line with the packages released by the other State Governments. The State of Andhra Pradesh has announced a package of Rs.100 crores for its lawyers and already Rs.25 crores has been released. Likewise, many other State Governments across the



Country have considered the difficulties faced by the lawyers in their respective States and they have released special packages to the lawyers. However, the Respondent no.1 has not considered the representations made by the Bar Associations in the State in its right perspective and has hastily passed the order.

15. It is submitted that the order passed by the Respondent no.1 vide Annexure-E, is also in violation of the letter and intent of the order passed by this Hon'ble Court in W.P. No. 6745/2020 as this Hon'ble Court had specifically directed them to consider each of the representations made by the Bar Associations in right perspective. However, the State Government has stated that it cannot consider the representations. This clearly shows the approach of the State Government towards the plight of the lawyers in the State of Karnataka. It is very unfortunate to state that one of the representations made by the Bar Association, Belagavi in which the President of the Association who was a signatory, passed away very recently because of he being tested positive for Covid 19 virus.

16. It is submitted that the courts in the State have not been able to function normally since 24.3.2020 and many lawyers are not able to earn their livelihood, as they are totally depending on this profession, because of stoppage of work. This plight of the lawyers has not been considered by the State Government and it has hurriedly passed the impugned order, by which it has stated that it cannot consider the representations of Bar Associations of the State. In view of the above reasons, this petitioner-association most respectfully prays this Hon'ble Court, to set aside the impugned order vide Annexure – E passed by the 1st Respondent in so far as it relates to the order stating that the Government cannot consider the representations of the Bar Associations of other Districts as the Finance Department has already released a sum of Rs.5 crores to the Karnataka State Bar Council and also other portion of the order which states that the Karnataka State Bar Council consisting of Advocates may use a part of the amount of Rs.5 crores to provide financial assistance to the affected advocates' clerks.



17. It is submitted that this Hon'ble Court by its order dated 04.8.2020 in WP No. 6745/2020 had directed the State Government to take appropriate decision on the question of releasing amount for rendering financial help to the Advocates' clerks who are in distress. This Hon'ble Court had also categorically stated that by releasing the sum of Rs.5 crores to the lawyers, the State Government had already accepted the difficulties of the members of the Bar and going by the said logic, the State Government must also be sympathetic to consider the request of the Advocates' clerks. Once the State Government accepts the position that many members of the Association are in difficulty due to pandemic, there will not be any difficulty in accepting the contention that even the advocates' clerks are in distress. The decision of the Respondent no.1 cannot be arbitrary and discriminatory and therefore, it was directed to the State Government to take appropriate decision on the question of releasing an appropriate amount to the advocates' clerks for helping the clerks who are in financial difficulty, as it is difficult for them to survive due to non-functioning of the Courts. Even in view of the specific orders passed by this Hon'ble Court to consider the case of the advocates' clerks, the Respondent no.1 has not considered their representations and released any fund for the benefit of the Advocates' clerks. However, vide its order dated 20.8.2020 produced at Annexure-E, it has stated that part of the amount already released to the Karnataka State Bar Council may be used for providing financial assistance to the Advocates' clerks. This violates the orders passed by this Hon'ble Court in W.P.No.6745/2020. A separate amount ought to have been granted to the clerks of the advocates instead of asking the Bar Council to part with the funds granted to them. Hence, the impugned order is liable to be set aside in so far as it relates to the portion of the order that the representations cannot be considered.

18. It is submitted that by the order dated 4.8.2020 made in WP No. 6745/2020, this Hon'ble Court had issued a direction to the Karnataka State Bar Council to place on record as to the manner in which it proposes to distribute the amount of Rs.5 crores released to it by the Respondent



no.1. The Karnataka State Bar Council was directed to submit the scheme framed by it for giving financial assistance to the advocates by using the funds granted by the State Government. Further, it had directed the Karnataka State Bar Council to state as to whether it would distribute the amount to the Bar Associations of other districts on pro-rata basis to help their lawyers or it wants to undertake the exercise for itself, for rendering help to their advocates in different parts of the State. On 20.8.2020, this Hon'ble Court in W.P. No. 6745/2020 had held that since the State Government is using the public money to assist the Bar, the Karnataka State Bar Council must come out with a fair and transparent scheme to come to the help of needy advocates by utilizing the amount granted to them and, further, it had directed the Karnataka State Bar Council to place on record the scheme formulated by it. On 1.9.2020, this Hon'ble Court had again directed the Karnataka State Bar Council to furnish the scheme framed by it and it posted the matter for examining the scheme framed by the Karnataka State Bar Council. On 7.9.2020, the Karnataka State Bar Council had filed its statement of objections, in which it had annexed the scheme framed by it as Annexure-R11, titled as a "circular", in WP No. 6745/2020. The said circular was to be treated as a scheme framed by the Karnataka State Bar Council. The copy of the circular dated 26.8.2020 issued by the Respondent no.2, which is said to be the scheme for distribution of the grant to its members, is produced herewith and marked as **Annexure-G**. The said scheme is completely faulty, arbitrary and unreasonable. Applications were called for only from needy practicing "male" advocates for financial assistance. An unreasonable distinction is made by the Respondent no.2 between male and female advocates, which is clearly violative of Article 14 and 21 of the Constitution. There cannot be any distinction between the male and female advocates in so far as it relates to the financial distress. There are several lady advocates who are practicing and due to Covid 19 pandemic situation, they have also lost their earnings since 23.3.2020, due to non-functioning of the regular courts. Further, the applications called for by the Karnataka State Bar Council, contains certain conditions that the lawyers must not have crossed the age of 40 years and advocates who have enrolled themselves



on or after 1.1.2010 are not eligible for the reliefs and also the advocates must have submitted COP applications. All the above conditions are violative of the fundamental rights of the lawyers. The conditions laid down by the Karnataka State Bar Council are very unreasonable as it has not considered the plight of the young lawyers who are enrolled after 1.1.2010. The Respondent no.1, while granting a sum of Rs.5 crores, it had not put any restrictions as to the eligibility based on class or category of lawyers. All the lawyers practicing in the State are having financial distress needing help from the funds released by the Respondent no.1. Thus, the Respondent no.2 ought to have come out with a scheme either by forming a committee consisting of senior lawyers and the Advocate General of the State of Karnataka to consider the applications received from the lawyers in order to find out the difficulties of the concerned lawyers before releasing the funds. However, the scheme framed by the Karnataka State Bar Council dated 26.8.2020 produced at Annexure-G is making unreasonable restrictions and classifications based on age, gender of lawyers etc. which is in clear violation of the fundamental rights.

19. It is submitted that various State Governments across the country especially the neighbouring states of Karnataka, have come forward to provide relief to the lawyers during the Covid 19 pandemic situation. The State of Tamilnadu has announced a package in which Rs.3,000/- per month will be provided to the junior lawyers as stipend for a period of 2 years. The State of Andhra Pradesh has announced a package of Rs.100 crores out of which Rs.25 crores have already been released. State of Telangana has announced a sum of Rs.25 crores as a relief for its advocates and their clerks. The respective State Governments have considered financial distress of their lawyers during the Covid 19 situation when the courts are not functioning normally. However, the Respondent no.1 has failed to consider the representations of the bar associations across the State. The package of Rs.5 crores which is released by the Respondent no.1 is very minimal and the same is insufficient to the lawyers practicing in Karnataka who are about 1,05,000 in number. In the month of May 2020, the State Government has announced a package of



Rs.1610 crores to various sections of the Society including large industries and MSMEs apart from several daily wage labourers and unorganized sector and it provided financial assistance to them. However, the Respondent No. 1 has failed to consider the representations submitted by the petitioner-association and other bar associations representing the lawyer's community. The Respondent no.1 has failed to understand the financial distress faced by the lawyers in the Covid 19 pandemic situation, especially due to non-functioning of the courts in the normal way. Though the Petitioner had given the representation in the month of June 2020 seeking for a sum of Rs. 50 crores to aid the lawyers in distress, however, due to the worsening of the situation the amount now in need to assist the lawyers is to a sum of Rs. 100 crores.

20. It is submitted that the petitioner-association has filed this Public Interest litigation considering the fact that the 1st Respondent is not providing any financial assistance to the lawyer community who are in deep financial distress due to the Covid 19 pandemic situation in the country. It has not considered the representations given by the bar associations though there is an order passed by this Hon'ble Court in WP No. 6745/2020 to consider the representations to the State Government. The present writ petition is filed considering public interest of lawyers as most of the lawyers are in remote areas and are not able to approach this Hon'ble Court for relief. Advocates Association Bangalore is a registered Association representing its members is filing this PIL representing the lawyers across the State of Karnataka, by considering the sufferings and difficulties faced by the lawyers during Covid 19 situation especially when the courts across the State are not functioning normally. Petitioner has filed this writ petition which is in public interest. Petitioner-association has no private or personal interest involved in the matter and hence this present petition is maintainable.

21. The petitioner-association is having no other alternative and efficacious remedy but to approach this Hon'ble Court invoking its writ jurisdiction. The petitioners have not filed any other writ petition or the like



before this Hon'ble Court earlier seeking the same relief. The Petitioner as sought for rejection Annexure – E and G in the statement of objections filed in the writ petition bearing W.P. No. 6745/2020, however, the same is not an efficacious remedy and this writ petition is filed to avoid the technicalities in so far as quashing the above two annexures.

22. The Petitioner seeks to urge the following among other grounds in support of its case.

GROUNDS

23. The order passed by the Respondent No. 1 vide Annexure-E dated 20.8.2020 and the conditions mentioned in the circular dated 26.08.2020 passed by the Respondent no.2 is arbitrary, obnoxious, unreasonable and the same is required to be set aside.

24. That the order passed by the 1st Respondent vide Annexure-E is in violation of the order passed on 4.8.2020 in WP No. 6745/2020 by this Hon'ble court. This Hon'ble Court had clearly held that representations of the bar associations have to be considered by the State Government to help financial distress faced by the lawyers. The Respondent No. 1 has not complied with the orders passed by this Hon'ble Court. The Respondent no.1 vide the impugned order has stated that the representations cannot be considered which is clearly in violation of the orders passed by this Hon'ble Court.

25. The order passed by Respondent No. 1 vide Annexure-C is without reasoning. On the face of it, the order is liable to be set aside. Hence, the impugned order deserves to be set aside.

26. That the Respondent No. 1 has not considered the representations given by the petitioner-association vide Annexures-A and B and such other representations by various other bar associations to provide financial assistance to the lawyers. Many lawyers are not able to earn their livelihood due to stoppage of work. This plight of the lawyers is not



considered by the State Government and while rejecting their representations vide Annexure-A, B and other representations of various Bar associations the said order passed by the State Government is violative of Articles 14 and 21 of the Constitution of India. Hence, the impugned order is liable to be set aside.

27. That the Respondent no.1 while releasing the package of Rs.1610 crores during May 2020 has not considered the plight of the lawyers whose works have completely stopped due to non-functioning of the courts regularly. All other sectors of the Society were given considerations, without considering the plight of the lawyers. Thus, the discrimination made by the Respondent no.1 violates Article 14 and 21 of the Constitution. Such being the case, the order passed by the 1st Respondent vide Annexure-C is liable to be set aside.

28. That the 1st Respondent ought to have considered the fact that the lawyers in the neighboring States of Karnataka such as Telangana, Andhra Pradesh, Tamilnadu who are on similar footing, have been provided with financial assistance by the respective State Governments, the State Government of Karnataka has provided a meager sum of Rs.5 crores without considering the number of lawyers who are in distress.

29. That this Hon'ble Court had directed the Respondent no.1 to take appropriate decision on the question of rendering financial help to the advocates clerks who are in distress and it held that when the Respondent no.1 had already accepted the difficulties of the members of the Bar and going by the said logic, the Respondent no.1 must also be sympathetic to consider the request of the Advocates' clerks. Once the Respondent no.1 accepts the position that many members of the Association are in difficulty due to pandemic, there will not be any difficulty in accepting the contention that even the advocates' clerks are in distress and it had directed the Respondent no.1 to take appropriate decision on the question of providing relief to the advocates' clerks. However, the State Government, without complying with the orders passed by this Hon'ble



Court, has made an attempt to circumvent the order passed by this Hon'ble Court by passing an order stating that the Bar council consisting of advocates, may use a part of the grant of Rs.5 crores to provide assistance to the advocates clerks. This is in violation of the orders passed by this Hon'ble Court and hence, the order produced at Annexure-E passed by the 1st Respondent is required to be set aside.

30. That the 2nd Respondent, while issuing the circular dated 26.8.2020 vide Annexure-G has put unnecessary restrictions which are unconstitutional. Respondent No. 2 has made gender-based bias by inviting applications from male advocates only thereby barring the lady advocates from seeking any relief, which is clearly in violation of Articles 14 and 21 of the Constitution of India and hence, the said circular is required to be set aside.

31. That the circular issued by the Karnataka State Bar Council (Respondent No. 2) vide Annexure-G, violates the provisions of law as it puts unreasonable restrictions and classifications. Respondent No. 2 has not considered the young lawyers who have enrolled on or after 1.1.2010. The circular also provides that lawyers above the age of 40 years are not entitled for the relief. The State Government while sanctioning the grant of Rs.5 crores did not make any such restrictions or classification based on gender or age and hence the circular dated 26.8.2020 produced at Annexure-G is required to be set aside.

32. That the 2nd Respondent has not considered the representation of the lawyers who are in financial distress without any restriction based on their age or gender on case to case basis. The scheme formulated in which the representations or application by every lawyer should be considered on its own merits. Thus, the circular or the scheme formulated by the 2nd Respondent on 26.8.2020 which lacks appropriate identification of the lawyers in financial distress is bad in law and hence the same is liable to be set aside.



33. That on 7.9.2020, the petitioner had given a representation to the 2nd Respondent, based on the order passed by the 1st Respondent on 20.8.2020. In the order dated 20.8.2020, the State Government had directed that the district bar associations may approach the Karnataka State Bar Council for financial assistance. In view of the same, the Petitioner had given a representation to the Karnataka State Bar Council to release a sum of Rs.1.50 crores to the Advocates Association, Bangalore (petitioner-association) to distribute the same to its members who are in financial distress. Respondent No. 2 has not considered the said representation and has not complied with the order passed by the 1st Respondent in providing financial assistance to the Advocates Association, Bangalore by considering their representation.

34. That in view of the order passed on 20.8.2020 by Respondent No. 1 vide Annexure-E, Respondent No. 2 has to provide financial assistance to the district bar associations on pro-rata basis. The scheme formulated by considering the representations of the respective bar associations and also the order dated 20.8.2020 passed by the 1st Respondent, in such a way that the advocates associations of district bar associations are provided with financial assistance so that their members could be helped.

35. That one of the conditions of circular dated 26.8.2020 issued by the 2nd Respondent is that the members seeking financial assistance should have filed COP applications, the said condition is bad in law. There is no bar for the lawyers to practice before the courts even though they have not filed COP applications. The lawyers who have not filed COP are not yet removed from the roll of advocates. Though it is mandatory that the lawyers should file COP applications and obtain certificate of practice, there is no bar from practicing without obtaining the COP as on this date. Such being the case, the restrictions imposed by the Karnataka State Bar Council that they should have filed COP applications is bad in law. There are many lawyers who have not filed COP applications, who are also in financial distress and they are regular practitioners. Hence, the circular dated 26.8.2020 produced at Annexure-G is required to be set aside.



36. That the 2nd Respondent must frame a scheme in a fair and transparent manner by forming a committee consisting of learned Advocate General, learned senior advocates and learned advocates from various associations. There should not be restrictions on the basis of age or gender for filing the applications by needy advocates. Each application so filed should be considered on its own merit in a case to case to case basis. The conditions which are now imposed in the circular dated 26.08.2020 is unreasonable and liable to be set aside.

35. Viewed from any angle, the action of the Respondents is in clear violation of the orders passed by this Hon'ble Court on 4.8.2020 in WP No. 6745/2020 and the restrictions imposed in the circular dated 26.8.2020 issued by the 2nd Respondent and the same are required to be set aside.

GROUND IN SUPPORT OF THE INTERIM PRAYER:

36. For the reasons stated above, the lawyers are in financial distress and the State Government may be directed to provide a minimum package of Rs.50 crores to the lawyers across the State, pending disposal of this writ petition. The Karnataka State Bar Council may also be directed to release a sum of Rs.1.50 crores to the petitioner-association and also distribute certain amount to the other district associations on pro-rata basis. The conditions imposed in the scheme framed by the 2nd Respondent on 26.8.2020 may be stayed as there are unreasonable restrictions based on age, gender and date of enrolment. There is a gross discrimination between the male and female member-advocates seeking financial assistance. Hence, during the pendency of this writ petition, an interim order as prayed for may kindly be granted. If an interim order as prayed for is not granted, thousands of lawyers would be put to great hardship and irreparable injury. No such hardship or injury would be caused to the respondents if an interim order as prayed for is granted.

PRAYER

Wherefore, it is most respectfully prayed that this Hon'ble Court maybe pleased to call for records pertaining to the case of the petitioner



and grant it the following reliefs:

(i) Issue a writ of mandamus or any other appropriate writ or order or direction, directing the 1st respondent to consider the representation dated 12.5.2020 vide Annexure-A and representation dated 22.6.2020 vide Annexure-B, submitted by the petitioner-association and to consider the representations of the other bar associations across the State of Karnataka and to release a sum of Rs.100 crores as a package to help the lawyers community of the State;

(ii) Issue a writ of certiorari or any other appropriate writ or order or direction quashing the part of the order passed by the 1st Respondent on 20.8.2020 bearing No.LAW:LLD:17/2020 vide Anenxure-E, in so far as it relates to the wordings " the Bar council consisting of advocates may use a part of the amount to assist the advocates clerks" and "the Government cannot consider the representation of the bar councils of other districts" and provide separate financial assistance to the advocates clerks.

(iii) Issue a writ of mandamus or any other appropriate writ or order or direction, directing the Respondent No. 2 to consider the representation of the petitioner-association dated 7.9.2020 and relase a sum of Rs.1.50 crores to the petitioner-association and also certain amounts to other bar associations across the state of Karnataka on pro-rata basis;

(iv) Issue a writ of certiorari or any other appropriate writ or order or direction quashing the circular dated 26.8.2020 passed by the 2nd Respondent, vide Annexure-G, in so far as it relates to the conditions imposed therein and thereby directing the 2nd Respondent to prepare a new scheme which has no restrictions on the basis of age or gender;

(v) pass such other order or orders as this Hon'ble Court deems fit to grant in the circumstances of the case.

INTERIM PRAYER



Pass an interim order staying the operation, implementation of the part of the order passed by the 1st Respondent on 20.8.2020 bearing No.LAW:LLD:17/2020 vide Anenxure-E, in so far as it relates to "the Bar council consisting of advocates may use a part of the amount to assist the advocates clerks" and an interim direction to the state government to release a sum of Rs.50 crores for the benefit of lawyers and an interim order directing the 2nd Respondent to release a sum of Rs. 1.5 crores to the Petitioner and such other amount to the other bar associations in the state of Karnataka direction during the pendency of this writ petition, to meet the ends of justice.

Bengaluru,

Date: 14.9.2020

Advocate for Petitioner.

Address for Service:

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