

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR

WP...../2021 (PIL)

IN THE MATTER OF

Akhil Bhartiya Sanyukt Adhivakta Manch BharatPetitioner

VERSUS

State of Madhya Pradesh & Ors.Respondents

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State of Madhya Pradesh & Ors.Respondents

DECLARATION

1. That the advance copy of the present petition is served upon to the office of Learned Advocate General and Respondent No.2 through E-mail as per E-filing Rules. No intimation of Non-receipt of E-mail has been received.
2. That the court fees has been paid vide Court fee id -

Date – 02.07.21

Place – Jabalpur



Counsel for the Petitioner

Adv. Ved Prakash Nema

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CHRONOLOGICAL LIST OF DATES AND EVENTS

SR NO.	PARTICULARS OF EVENT	DATE
1	COVID-19 Pandemic started	November 2019
2	Nationwide Lockdown imposed	25.03.2020
3	SCBA COVID-19 Grant scheme by Supreme Court Bar Association	May, 2020
4	Mukhyamantri COVID-19 Anukampa Niyukti Yojna launched by CM Madhya Pradesh	28.05.21
5	Ex-gratia compensation by State government to dependent of deceased succumbed to COVID-19	May, 2021
6	Representation made to MP State Bar Council, Bar Council of India, Chief Minister of MP, Hon'ble Governor of MP, Department of Revenue and Department of Finance	08.06.21
7	Notice issued by Hon'ble Chhatisgarh High Court admitting the PIL	29.06.21



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IN THE MATTER OF

.....Petitioner

VERSUS

1. State of Madhya Pradesh through its Secretary
Law and Legislative Affairs Department
First Floor, Vindhyachal Bhawan, Bhopal, MP
2. State Bar Council Madhya Pradesh
Through its Secretary
High Court Premises, Jabalpur – 482001
3. Bar Council of India through its Secretary
21, Rouse Avenue New Delhi - 110002

.....Respondents

MEMO OF PARTIES



**IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR**

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IN THE MATTER OF

Akhil Bhartiya Sanyukt Adhivakta Manch BharatPetitioner

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State of Madhya Pradesh & Ors.Respondents

Regular Public Interest Litigation

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

To,

The Hon'ble the Chief Justice of High Court of Madhya Pradesh and his Lordship's
companion Judges of the High Court of Madhya Pradesh, Principal seat at Jabalpur.

The humble petition of the petitioner above-named.

MOST RESPECTFULLY SHOWETH

1. Particulars of the cause/order against which the petition is made:

1.1. Passed in – NA

1.2. Passed by – NA

1.3. Subject in brief



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The instant public interest litigation is filed for seeking appropriate directions of this Hon'ble Court for the betterment and ensuring well being of the members of legal fraternity comprising of judicial officers, lawyers, court staff, clerks of advocates and other allied stakeholders amidst the unprecedented times of global pandemic. The legal fraternity is a crucial and an integral part of justice dispensation system, which has dedicatedly working despite the tragic situation. Many of the members have lost their invaluable lives that have suddenly created a void in lives of their dependents which is inconsolable. Despite the tireless working, the legal fraternity has been subjected to discrimination by deliberate exclusion of them from being categorized as frontline workers providing essential services. The determined efforts of fraternity have still not been acknowledged by the respondents and no assistance has been provided as yet. To secure the rights and ensuring sustenance of members of legal fraternity, this humble petition for appropriate directions.

2. The antecedents of the Petitioner :

2.1. That Akhil Bhartiya Sanyukt Adhivakta Manch (hereinafter "the petitioner") is a registered consortium of advocates across the country formed with a determinate objective of development and welfare of legal fraternity. The petitioner-association has initiated an effort of bringing together the advocates on an informal platform to address their issues and deriving out the amicable and effective solutions. The association has a large and vibrant membership of advocates and is committed towards the all round development of legal fraternity.

2.2. The association is represented through its President Shri C.K. Valeja who is also an advocate and committed member of the Bar.

2.3. The present petition under Article 226 of the Constitution of India is being filed by way of Public Interest Litigation and the petitioner-association has no personal interest. The petition is being filed to protect the interest of the judicial officers, advocates, advocate's clerks and other staff of judiciary of Madhya Pradesh for treatment of COVID-19, prioritization in vaccine inoculation and extended benefits as frontline workers thereby upholding their fundamental rights enshrined under the Constitution of India.



2.4. That the petitioner-association is filing the present petition on their own and not at the instance of someone else. Litigation cost if any shall be borne by the petitioner-association itself.

3. Facts in brief, constituting the cause:

3.1. That COVID-19 pandemic has emerged as a never imagined challenge which has shaken the economy, health infrastructure and even the conscience of the entire world in the gravest form. Every individual of the country has witnessed the horrific scenarios of grief and chaos particularly in the second wave of coronavirus from which the country is still recovering.

3.2. That the second wave of this deadly virus has gravely affected the lives and livelihood of every individual working in any sector consequently leaving them in the situation of extreme void and devastation. Many of the people along with losing their loved ones in this dreadful pandemic have also lost their source of existence and sustenance which has made their lives a living hell.

3.3. That the judicial functions are considered as the inevitable functions of keeping up the very sense of individual independence and spirit of constitution, which is kept intact and uncompromised even in these unprecedented times of travesty. "Access to Justice" forms part of the fundamental right under Article 21 – Right to life and personal liberty of the constitution of India and also considered as the running wheel of Indian Judicial System. Bar and Bench both are the strongest pillar on which the entire structure of justice dispensation is placed upon. The Thankless job of these two wings of justice delivery is not expressly and vocally accepted but deserves the utmost respect like any other profession. This is indeed commendable that despite the tragic situation and unprecedented scenarios of grief, our judicial system never stopped function for even once, though the pace of taking up the matters was slowed but the justice dispensation was ensured with same rigor and commitment. This is reflected in the continuous and regular sitting of this Hon'ble court in

WP 8914/2020 IN RE (SUO MOTU) vs UNION OF INDIA & ORS wherein the Hon'ble court itself took the cognizance for ensuring seamless distribution of medical aid to every section of the society and individual.



- 3.4. That it is submitted with utmost regret that despite being an integral part of justice delivery system and a committed workforce fighting for ensuring dignified rights of every section of society bar is left alone without means to fight and conquer this pandemic. The diligent and ever committed bar and bench have both lost the exemplary judges, judicial officers, lawyers and other staff of judicial services to the deadly COVID-19 and uncountable are still suffering along with their families. The above remorseful circumstances were not able to shake the dedication and determination of young lawyers and employees of judiciary and resultantly courts kept working with same zeal and enthusiasm because of services rendered dedicated functionaries as frontline workers.
- 3.5. That due to sudden surge in COVID-19 cases thousands of advocates their staff and their families are facing innumerable problems in these challenging times, major one of them is not getting proper treatment because of shortage of beds, ventilators and medical drugs for treatment in the hospitals. The members of the legal fraternity are inevitably exposed to the viral infection and along with the coronavirus, the risk of contracting infection of mucormycosis (black fungus) has increased in the present scenario. It is indeed unfortunate that despite knowing the contribution of legal fraternity state government is reluctant enough to acknowledge the worth of judicial functionaries and has yet not declared them as frontline workers as others like medical staff, sanitation workers and journalists. There have been no steps taken in this regard to protect the interest and secure the well being of lawyers and other stakeholders.
- 3.6. It is an undeniable fact that serving for ensuring the rights of persons is the noblest cause and stakeholders engaged in providing the seamless justice deserve to be acknowledged for their unfettered commitment. The services rendered by legal fraternity is beyond the words to express gratitude but least state government could have done is to recognize such services as the essential services and providing adequate protection and facilities to the members of judicial system. It is also pertinent to mention that this Hon'ble court in *WP 9185/2021 Sunil Gupta vs State of Madhya Pradesh* while acknowledging the essential services of advocates and allied staff have allowed the movement to and from their respective offices after getting valid passes from district administration amid imposition of 144 CRPC. But the state government still



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has not included the services rendered by legal fraternity as an essential service which is unfortunate and condemnable.

3.7. That daily several court staff members, lawyers and judicial officers of the High court, subordinate courts and tribunals are continuously working for justice delivery. If anybody contracts the disease or succumb to deadly virus the families are orphaned in no time and the situation becomes more worrisome when the employee or advocate is the sole earning member of the family. Though the state government has allowed Rs. 1 Lakh ex-gratia compensation to those people succumbed to COVID-19 in second wave but this declaration is a mockery over the deaths of those lawyers and judicial employees who have lost their lives before the second wave. Article 14 of the Constitution of India guarantees Right to Equality, but the right is subjected to Equality in Equal circumstances. The dreadful and most horrendous scenarios in which the legal fraternity is tirelessly working since the advent of pandemic cannot be compared with only the devastation caused in second wave. The fraternity has lost its most precious gems since the emergence of COVID-19 and decision of state to allow such meager compensation only for those succumbed in second wave violates the constitutional rights of those who died prior to second wave. The above decision of providing ex-gratia compensation should be reviewed and extended prior to second wave in order to do complete justice. The State government must declare immediate and adequate sustenance compensation to those affected so that the contribution and efforts of such determined stakeholders upholding the spirit of constitution should not go in vain.

3.8. That on 28th May 2021, the state government has implemented Mukhyamantri COVID-19 Anukampa Niyukti Yojna for the dependents of those deceased who were employed as permanent, casual and daily rated workers as the case may be. The stakeholders of legal fraternity especially the lawyers who succumbed to this deadly virus do not qualify for the said scheme and such selective exclusion of legal fraternity despite their uncompromised efforts is indeed painful and unjust. The deliberate and unreasonable exclusion of fraternity amounts to infringement of fundamental right guaranteed under Article 14 of the constitution of India. It is submitted that immediate directions be issued to state government to consider the representation for inclusion in said welfare schemes and appropriate actions and policy be drafted for their upliftment and betterment.



3.9. That many other state governments and state bar councils have taken a compassionate view in extending support to the lawyers and judicial staff. State of Chhattisgarh has already declared Lawyers and court staff as the frontline workers. Along with the state government's diligent step of providing benefits of Chief Minister's advocate welfare scheme to the advocates enrolled in Delhi, Bar Council of Delhi has allowed financial assistance to those advocates who have contracted coronavirus by providing them with one time monetary assistance of Rs. 25,000 in home isolation and Rs. 50,000 if member is hospitalized. The Supreme Court Bar Association has also implemented SCBA COVID-19 Helpline Scheme as a onetime financial assistance for the advocates suffering from COVID-19. It is humbly submitted that appropriate directions be issued to state government as well as the State Bar Council of Madhya Pradesh, to ensure welfare and well being of its members in these unprecedented times. Copy of SCBA circular marked and annexed hereto as **Annexure P - 1**

4. Source of information:

Notifications issued by state government, Newspapers and other authenticated sources.

5. Nature and extent of injury caused/apprehended :

In these circumstances, the petitioner submits that, he is entitled to the reliefs prayed for the protection and well being of advocates and other stakeholders of the legal fraternity across the State of Madhya Pradesh. The deliberate exclusion of legal fraternity by the state government from welfare and assistance schemes amounts to gross discrimination and infringement of their fundamental rights enshrined under Part III of the Constitution of India.

6. Issue raised was neither dealt with nor decided :

That the issue raised were neither dealt with nor decided by a Court of law at the instance of the petitioner or to the best of his knowledge, at the instance of any other person.



7. Any representation etc. made :

That the petitioner-association has moved a detailed representation dated 08.06.21 via registered post to the MP State Bar Council, Bar Council of India, Chief Minister of MP, Hon'ble Governor of MP, Department of Revenue and Department of Finance

Copy of representation is marked and annexed hereto as **Annexure P-2**

8. Grounds :

8.1. BECAUSE the members of the legal fraternity are unable to bear the expenses incurred in treatment of COVID-19 and several of them have been pushed on the verge of starvation due to the same.

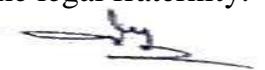
8.2. BECAUSE though people except involved in essential services are not allowed to step out of their houses in order to curb the transmission of the disease, yet due to functioning of courts judicial officers, lawyers and their staff are forced to step out to make justice accessible to all.

8.3. BECAUSE the state government is giving differential treatment to the employees of the state and allocating financial grants to them but no such provision has been made for the employees of judiciary, court staff, lawyers and their allies

8.4. BECAUSE several members of the legal fraternity have lost their lives to COVID19 while working in the interest of people and their sacrifice should not go in vain.

8.5. BECAUSE advocates and their allies have been deprived of their sole source of income in this lockdown period, therefore in the absence of steady income several members of the bar have been compelled to change the profession, which is indeed most unfortunate for this noble profession of justice dispensation.

8.6. BECAUSE the state government has already extended a helping hand to various sectors of the economy and declared financial aids in favour of people including state government employees. Therefore, it is the emergent need to remind the state government of their responsibility towards the legal fraternity.



8.7. BECAUSE Article 47 casts a duty upon the state to ensure and improve public health, hence it becomes inevitable on part of the state to make adequate arrangements for treatment of infected lawyers, their dependents and sufficient vaccination booths be installed for inoculation of legal fraternity and their dependents.

8.8. BECAUSE almost all the authorized and unauthorized sectors of the economy have been included in the fold of annual financial budget and several provisions are made in favour of all classes. Though a sum of Rs. 2 Crore is allocated in favour of lawyers but such amount is indeed insufficient for approximately 75,000 lawyers of the state.

8.9. BECAUSE despite being an integral part of justice delivery lawyers and allies are deliberately excluded from being categorized as frontline workers and have not been provided with any assistance to withstand the repercussions of the deadly virus.

9. Details of remedies exhausted :

The petitioner declares that he has availed all statutory and other remedies.

10. Delay, if any, in filing the petition and explanation therefor

That there is no delay in filing the petition.

11. Relief(s) Prayed for :

In view of the facts mentioned above, the petitioner prays for the following relief (s):-

- a.** That considering the paramount and committed services of legal fraternity amidst the pandemic situation, the members of the bar, judicial staff and other allied must be declared as frontline workers.
- b.** That the services rendered by legal fraternity are invaluable and inevitable , hence such services be classified as essential services and necessary protection and assistance must be given



- c. That in consonance with the other state governments and bar councils, a dedicated financial assistance schemes and policies for legal fraternity must be devised at the earliest
- d. That alike the compassionate appointment scheme implemented by the state government for dependents of deceased employees/workers, 10% vacancies must be reserved for the dependents of deceased lawyers, judicial staff and other allied stakeholders in the Madhya Pradesh Judicial Services including vacancies at High Court Registry and offices of subordinate courts.
- e. That appropriate directions should be issued to the above respondents to device a policy or/and program for ensuring financial sustenance for members of the bar and assistance schemes for education and/or employment of dependents of deceased advocates.

12. Interim Order, if prayed for:

- a. Appropriate directions be issued to the state government to ensure that till the modalities for health facilities for advocates are worked out, all registered advocates of Madhya Pradesh State Bar Council are eligible for free treatment inclusive of all medical needful at government, semi-government and private hospitals.
- b. Till the pandemic situation is restored to normal appropriate ad-hoc policy for monetary assistance for advocates be formulated in a time bound manner.

13. Caveat:

That, no notice of lodging a caveat by the opposite party is received.

Date – 02.07.21

Place – Jabalpur



Counsel for the Petitioner

Adv. Ved Prakash Nema

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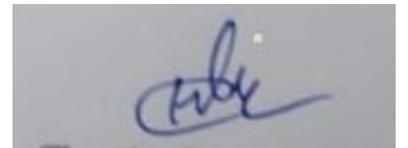
AFFIDAVIT

I, **C K VALEJA** aged 52 years, S/o B.D. Valeja do hereby solemnly affirm and declare as under:

1. That I am the president of Petitioner-Association in the present petition and also authorized to file the present petition on behalf of Petitioner and as such I am competent to swear this affidavit also.
2. That I have read and understood the contents of the petition and same has been read to me in Hindi and drafted on my behalf and under my instructions.
3. That the contents of Paragraphs from **1 to 13** of the petition are true and correct to the best of my personal Knowledge, and I believe the same to be true and I have not suppressed or concealed any material facts from this Hon'ble Court.
4. That the annexed documents are true and correct and are not forged and fabricated.

VERIFICATION

I, the above named deponent do hereby verify and declare that the contents from Paragraphs **1 to 4** of this affidavit are true and correct to the best of my knowledge and belief.



Deponent

Place – Jabalpur

Date – 02.07.2

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VERSUS

State of Madhya Pradesh & Ors.Respondents

APPLICATION FOR URGENT HEARING

1. That the subject of the present writ petition involves the substantial issue pertaining to protection, development and welfare of advocates, judicial officers, judicial staff, advocate clerks and other allied individuals.
2. That the COVID-19 Pandemic has claimed the lives of many determined individuals of legal fraternity who have dedicated their lives for the justice dispensation and upholding the constitutional spirit.
3. The dependents of deceased advocates, judicial officers, judicial staff, advocate clerks and other allied individuals and the advocates working currently are in dire need of assistance and support.

May the Hon'ble court considering the exigency of matter be pleased to hear the matter on priority for issuance of directions to the competent authorities.



Date – 02.07.21

Counsel for the Petitioner

Place – Jabalpur

Adv. Ved Prakash Nema

**IN THE HIGH COURT OF MADHYA PRADESH
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**APPLICATION FOR EXEMPTION FROM FILING ORIGINAL
VAKALTNAMA AND NOTARIZED AFFIDAVIT**

1. That considering the exigency of matter and prevailing situation of COVID-19 pandemic, may the Hon'ble Court allow exemption from filing the notarized affidavit and original vakalatnama.
2. That the undersigned assures that the above documents shall be submitted in due course of time once the situation restores back to normal or/and as and when required by the Hon'ble court.
3. May the application be kindly allowed.

Date – 02.07.21

Place – Jabalpur



Counsel for the Petitioner

Adv. Ved Prakash Nema

**IN THE HIGH COURT OF MADHYA PRADESH
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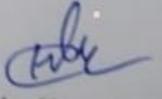
VERSUS

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VAKALATNAMA

I the Petitioner/Plaintiff/Appellant/Claimant named below do hereby appoint, engage and authorize advocate(s) named below to appear, act and plead in aforesaid case/proceedings, which shall include applications for restoration, setting aside of ex-parte order, corrections modifications and review and recall of orders passed in these proceedings, in the appellate revisional or executing court in which proceedings arising from this case/proceedings as per the agreed terms and conditions and authorize him/them to sign and file pleading, appeals, cross objections, petitions, applications, affidavits and authorize him/them to do deemed necessary or proper for the prosecution/defence of the said case in all its stages and also agree to ratify and confirm acts done by him/them as if done by me/us.

In witness whereof I/we do hereunto set my/our hand to these presents, if contents of which have been duly understood by me/us this of 2021.

Particulars of each party executing vakaltnama					
1	2	3	4	5	6
Name & father/husband's name	Registered address	Email id	Telephone	Status in case	Full signature
C.K. Valeja	24 Housing board colony	NIL	NIL	Petitioner	

	Teelajamalpura Bhopal MP				
--	-----------------------------	--	--	--	--

ACCEPTED

Particulars of Advocates				
Full name & Bar Council Enrollment No.	Address for service	Email Address	Telephone No.	Full Signature
VED PRAKSH NEMA– 927/1990	329, Shukla Nagar Garha Road, Jabalpur	nemaved@gmail.com	9827282515	
Manoj Sanpal 5107/2000	329, Shukla Nagar Garha Road, Jabalpur			
Vibha Pathak 1435/2015	329, Shukla Nagar Garha Road, Jabalpur			



Mr. Dushyant A. Dave (Sr.)
President

Mr. Kailash Vasdev (Sr.)
Vice President

Mr. Ashok Arora
Hony. Secretary

Mr. Rohit Pandey
Acting Hony. Secretary

Mr. Meenesh Kumar Dubey
Treasurer

Ms. Shamsravish Rein
Joint Treasurer

SENIOR EXECUTIVE MEMBERS :

Ms. Mahalakshmi Pavani (Sr.)
Dr. Adish Chandra Aggarwala (Sr.)
Mr. Chander Uday Singh (Sr.)
Mr. Arijit Prasad (Sr.)
Col. R. Balasubramanian (Sr.)
Mr. Anip Sachthey (Sr.)

EXECUTIVE MEMBERS :

Mr. Amrendra Kumar Singh
Dr. Ritu Bhardwaj
Ms. Anjali Chauhan
Ms. Prerna Kumari
Ms. K.V. Bharathi Upadhyaya
Mr. Upendra Narayan Mishra
Mr. R. Anand Padmanabhan
Mrs. Alka Agrawal
Ms. Reena Rao

"SCBA COVID-19 WELFARE GRANT SCHEME"

The pandemic following the COVID 19 has set down a challenge of the most mammoth nature. Its impact has been global and in a manner which has been unprecedented. Our members are also affected in many ways.

To obviate the challenges faced by our colleagues some of our responsible Members have taken upon themselves the onerous task of providing feasible financial help to the affected members who are in dire financial straits by making donations to ameliorate the plight of affected members. It gives us great succour to inform the Members that it has received respectable sums from some of the Members thereby obviating the need to fall on SCBA funds in this human act.

The SCBA records its sincere gratitude to each donor for the contribution made at this need of the hour. It makes a fervent appeal to other members of the Bar to contribute liberally so that the noble work of addressing the financial needs of the needy Members can be carried forward.

To ensure that the donations now received are made available to the members mentioned herein, the present Scheme different, both in form and application from the earlier scheme of granting loans, is being made. The EC has therefore, decided to keep the donations so received under a separate head to be utilised exclusively for giving grants to needy members of the SCBA to the extent feasible as desired by the donors. Accordingly, the EC has resolved to launch a separate new scheme titled "SCBA- COVID-19 WELFARE GRANT SCHEME."

The salient aspects of this new scheme including eligibility criteria are as follows:

1. The Scheme entails a **one time** grant of a sum of 20,000.00 (Rupees Twenty Thousand only) as *ex gratia* to a Member of the SCBA who is in need of financial assistance provided his name is borne on the Membership rolls of the SCBA as on 01.05.2020 and is included in the final declared voter list of the SCBA in any one of

Phones: Off. : 23385903, 23384874 • Library-1 : 23385551, 23385552 • Library-2 : 23384150, 23381762

Library-4 : 23385615 • Ladies Bar : 23070443 • Lounge : 23070449 • Arbitration Room : 23072101 • Meeting Room : 23070264

• Email : scbaec@gmail.com • Website : www.scbaIndia.org



SUPREME COURT BAR ASSOCIATION (Regd.)

19

SUPREME COURT OF INDIA, TILAK MARG, NEW DELHI-110001 (INDIA)

Mr. Dushyant A. Dave (Sr.)
President

Mr. Kallash Vasdev (Sr.)
Vice President

Mr. Ashok Arora
Hony. Secretary

Mr. Rohit Pandey
Acting Hony. Secretary

Mr. Meenesh Kumar Dubey
Treasurer

Ms. Shamshravish ReIn
Joint Treasurer

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EXECUTIVE MEMBERS :

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Ms. Anjali Chauhan
Ms. Prerna Kumari
Ms. K.V. Bharathi Upadhyaya
Mr. Upendra Narayan Mishra
Mr. R. Anand Padmanabhan
Mrs. Alka Agrawal
Ms. Reena Rao

the last preceding five years i.e in any one year between 2015-2019.

2. Any Member willing to avail this grant must apply to the SCBA in writing with complete particulars to include his full name, age, and residential address as borne on the rolls of the SCBA with SCBA Membership No. The application may be submitted by e-mail with an undertaking to submit a signed copy of the application subsequently and before disbursement of the grant once the same is duly approved. In the application the Member should indicate in case he or she or any person dependant on the member is in need of continued and prolonged medical treatment. The applicant shall provide the bank account details indicating clearly Savings Bank Account No, Name of the Bank, Address and IFSC Code.

3. The Member must disclose if he or she has availed any loan the SCBA under the SCBA Covid-19 Scheme, and or of any grant under the SCAORA COVID Scheme and/or from any other Bar Association or Bar Council. In case the applicant member has availed the same, details thereof must be disclosed in order to consider the application in Priority II.

4. In case the spouse of the applicant is a salaried employee particulars of such employment must be detailed in the application with name of the organisation in which employed. Similarly, in case the spouse is also a practising lawyer, the details must be mentioned.

5. To be eligible for the grant under the present Scheme, the gross annual income of the applicant should not have exceeded 8 lakhs in the Financial year 01 April 2018 to 31 March 2019. In support, the member is to produce the Income Tax Return for the financial year ending 31 March, 2019. In case a member does not have the required ITR, the member must file an undertaking by way of an affidavit, stating that his gross income was 8 lakhs or less in the financial year ending 31.03.2019.

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(2)



SUPREME COURT BAR ASSOCIATION (Regd.)

20

SUPREME COURT OF INDIA, TILAK MARG, NEW DELHI-110001 (INDIA)

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Mr. Anip Sachthey (Sr.)

EXECUTIVE MEMBERS :

Mr. Amrendra Kumar Singh

Dr. Ritu Bhardwaj

Ms. Anjali Chauhan

Ms. Purna Kumari

Ms. K.V. Bharathi Upadhyaya

Mr. Upendra Narayan Mishra

Mr. R. Anand Padmanabhan

Mrs. Alka Agrawal

Ms. Reena Rao

6. The applications will be received on line for a period of ten days commencing with effect from 21.05.2020. The applications will be scrutinised by a Committee of the EC constituted for this purpose and after due scrutiny will be put up for approval of the EC which may accept or reject such applications in its discretion. No representations in this regard will be entertained from the applicant. In case the application for the grant is approved the sum aforesaid will be released and credited to the bank account of the applicant through electronic transfer.

7. Any extenuating circumstance which the applicant may be facing to support the application like liability to pay house rent, recurring medical expenses if any, may also be mentioned so that the Committee would be in a position to prioritise the applicants in case the number of applications exceed available funds donated to SCBA for disbursal of grant.

The Executive Committee reserves its rights to alter and or amend the terms hereof. In due course, if additional funds are received as donation from Members in future, the EC will consider extending the Scheme to other class of members on such criteria as may be decided.

Phones: Off. : 23385903, 23384874 • Library-1 : 23385551, 23385552 • Library-2 : 23384150, 23381762

Library-4 : 23385615 • Ladies Bar : 23070443 • Lounge : 23070449 • Arbitration Room : 23072101 • Meeting Room : 23070264

• Email : scbaec@gmail.com • Website : www.scbaIndia.org

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R.N A1389822



WWW.LIVELAW.IN

अखिल भारतीय संयुक्त अधिवक्ता मंच
भारत

द्वितीय तल, आर के टावर के पीछे लाइफ स्टाइल फर्नीचर राईट टाउन, जबलपुर, म.प्र 482002

ckvaleja@rediffmail.com

(अधिवक्ता साथियों के हितों के लिए सदैव प्रयासरत् संगठन)

SR. NO. 1

To,

Date – 08.06.21

The Hon'ble Secretary
State Bar Council of Madhya Pradesh
High Court premises, Jabalpur.

Affirmative relief measures for members of the bar affected in COVID-19 Pandemic

Dear Sir,

Hope you are keeping safe and well

The present letter seeks to attract your kind attention towards the most horrific and tragic situation of members of the bar and other stakeholders of judicial fraternity in the current dreadful scenario been created by COVID-19. As we all are aware that every sector and every individual is grossly impacted in this second wave of COVID-19 which is still continuing along with many other deadly and incurable infections and complicated health conditions.

We are indeed thankful to the medical fraternity, sanitation workers, essential service providers and many other people who have played on their lives to save us. But it is unfortunate to state that despite the efforts and uncompromising spirit of justice dispensation put in by our diligent members of the bar their commitment and determination have not even been regarded as essential and have been selectively deprived of any support and assistance in these challenging times.

The deadly virus has claimed the lives of our young and enthusiastic members, whose passing away is an inconsolable loss for the bereaved family comprising of small children who are orphaned within a blink of eye. Many of our members you have defeated the horrendous impact



of this infection by the grace of almighty, but are now placed into the gloomy situation of severe financial crisis and have lost everything in treatment and medication. It is also to be understood that this pandemic has not only weakened the financial stability but has compelled numerous young advocates to even change the profession in order to ensure two times meal for the dependent family. Words fall short to express the plight and profuse sufferings of our members of legal fraternity who have put themselves at stake to protect the spirit and soul of our holy constitution.

I also mark my deepest dissatisfaction towards the insensitive and callous attitude of government established by law which has miserably failed to acknowledge the legal services as essential services and providing adequate assistance accompanied with protection to the members of legal fraternity, who ultimately ensures the soulful existence of law on which such government finds its establishment.

On behalf of every member of this diligent and determined bar accompanied with all stakeholders of State Judiciary we seek to raise the following demands for the protection and betterment of legal fraternity across the state of Madhya Pradesh and with firm hope we affirmatively look forward to the Council's deliberations for ensuring justice to those who makes existence of justice possible for all.

1. The legal services provided by officers of court including court staff and allies should be officially acknowledged as essential services and resultant assistance be provided forthwith
2. The members of the bar and other stakeholders including advocates, clerk's, court staff and paralegal volunteers working for the cause of welfare through courts, tribunals, commissions and other adjudicatory bodies should be considered as "Frontline Workers" and resultant facilities of uninterrupted movement, priority in vaccination, availability of medical drugs/medicines and well-equipped hospital beds be provided.



3. The dependents of deceased member of the fraternity who has succumbed to COVID-19 should be immediately compensated with an ex-gratia compensation of Rs 5,00,000. The allotment of Rs 2 Crore by the state government for providing assistance to the members of the bar is unfortunately made without considering the fact that there are approximately 80,000 advocates enrolled and sustaining on this meagre assistance is mockery of their determination. It is demanded that this amount should be enhanced adequately to do complete justice and not left merely as an empty formality.

4. State of Madhya Pradesh has announced Mukhyamantri COVID-19 Anukampa Niyukti Yojna for the dependents of those deceased who were employed as permanent, casual and daily rated workers as the case may be.
The stakeholders of legal fraternity especially the lawyers who succumbed to this deadly virus do not qualify for the said scheme and such selective exclusion of legal fraternity despite their uncompromised efforts is indeed painful and unjust. The deliberate and unreasonable exclusion of fraternity amounts to infringement of fundamental right guaranteed under Article 14 of the constitution of India.
It is hereby demanded that immediate deliberation must be initiated with the state government to consider the representation for inclusion in said welfare schemes and appropriate actions and policy be drafted for their upliftment and betterment.

5. That alike the compassionate appointment scheme implemented by the state government for dependents of deceased employees/workers, 10% vacancies must be reserved for the dependents of deceased lawyers, judicial staff and other allied stakeholders in the Madhya Pradesh Judicial Services including vacancies at High Court Registry and offices of subordinate courts.

6. Alternate employment and assistance schemes for the widows of young advocates who have now been entrusted with the responsibility of raising and sustaining the family all alone should be deliberated upon at the earliest. Adequate financial and other required assistance in education for the children of deceased advocates, judicial staff and other allies should be made at the earliest, so that the education of small children does not go in sheer vain.

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R.N A1389822



अखिल भारतीय संयुक्त अधिवक्ता मंच
भारत

द्वितीय तल, आर के टावर के पीछे लाइफ स्टाइल फर्नीचर राईट टाउन, जबलपुर, म.प्र 482002

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7. The public sector undertakings and state governments have dedicated hospital and medical facilities with well equipped medical infrastructure for their employees. Immediate steps should be deliberated upon by the council to provide separate and dedicated hospital and other allied state of art medical facilities for the judicial stakeholders in order to ensure good health of all members.
8. Many of the young members have been compelled to leave the profession by the horrendous situation of securing sustenance been created by this pandemic. To avoid such similar tragic scenarios in future, it is demanded that a minimum monthly monetary assistance should be provided to the young advocates in their initial years of practice. Also as an interim measure, the modalities for monetary assistance in form of disbursement of cash in favour of needy member of the fraternity should be worked upon at the earliest with minimum formalities.
9. A policy for providing interest free or nominal interest on education, home loan, personal loan and Medical cum Life insurance should be provided to the stakeholders of fraternity, so that the minimum need of shelter and education is ensured for those who ultimately fight for the cause of justice.
10. It is also to be understood that the above raised concern and demands will take numerous deliberations for framing appropriate policies. But our brothers and sisters of this exalted fraternity cannot be left unaided. Hence as a one-time affirmative measure it is requested that the rent payable for rented office premises, electricity and water bills be waived off in order to ensure adequate relief.

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The chariot of justice runs on the wheel of Bar and it is indeed pertinent to make all necessary arrangements to keep that wheel running without any hindrance and complications.

We place our unfettered reliance on the competence and commitment of our strongest State Bar Council, that it will surely be considerate on the genuine demands raised for the protection and upliftment of our robust bar and will uphold the spirit of **यतो धर्मस्ततो जयः**

With kind hopes and regards

C.K. Valeja

President

Copy to

1. The Hon'ble Governor of Madhya Pradesh, Rajbhavan Bhopal
2. The Hon'ble Chief Minister, State of Madhya Pradesh
3. The Department of Revenue, State of Madhya Pradesh
4. The Department of Finance, State of Madhya Pradesh
5. The Department of Law and Legislative Affairs, State of Madhya Pradesh
6. The Bar Council of India, New Delhi



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 27 of 2020

Suo Moto W P(P I L) **Versus** State Of Chhattisgarh
WPPIL/46/2021,WPPIL/66/2021

Proceedings through Video Conferencing

29/6/2021	<p>WPPIL No.27/2020 is an office reference.</p> <p>Mr. Rakesh Pandey, counsel for the petitioner in WPPIL No.46/2021.</p> <p>Mr. Kishore Narayan, counsel for the petitioner in WPPIL No.66/2021.</p> <p>Mr. Satish Chandra Verma, Advocate General and Mr. V.R. Tiwari, Addl. A.G. with Mr. Vikram Sharma, Dy.G.A. for the State.</p> <p>Mr. Ashish Shrivastava, Senior Advocate with Ms. Ashmita Singhai, counsel for the Chhattisgarh State Legal Services Authority.</p> <p>Mr. Shivang Dubey and Mr. Arijit Tiwari, counsel for the intervenor in WPPIL No.27/2020.</p> <p>Mr. Devershi Thakur, counsel for the intervenor in WPPIL No.66/2021.</p> <p>Mr. Kishore Bhaduri, Senior Advocate with Mr. Pankaj Singh,</p>



counsel for the Chhattisgarh State Bar Council.

WPPIL No. 27/2020 and WPPIL No.46/2021

Heard.

The respondents including SLSA shall file reply within two weeks to I.A. No.93, application for intervention in the writ petition (WPPIL No.27 of 2020) filed by Mr. Anil Tripathi through his advocate Mr. Shivang Dubey, with a prayer that the interim order/ stay order/ interim bail order passed by the High Court and all other Courts/ Tribunals to be continued and the order dated 30.3.2020 passed in WPPIL No.27/2020 be restored.

In so far as the problem faced by vaccinated persons who have not been issued certificate of vaccination, the Principal Secretary Health & Family Welfare Department, Government of Chhattisgarh has filed an affidavit stating that certificate of vaccination can be downloaded through Chhattisgarh Tika Portal.

Countering the submission made in the affidavit, Mr. Rakesh Pandey, Advocate would submit that several advocates who were vaccinated in the District Court premises, Bilaspur have tried to download the certificate, however, the Tika Portal is not issuing certificates. He would pray for and is allowed a week's time to file names of those lawyers or any other vaccinated persons who are not

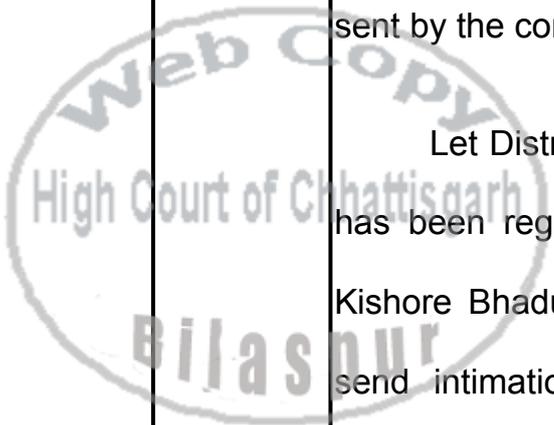


able to download the vaccination certificate.

Shri Kishore Bhaduri, learned Senior Advocate appearing on behalf of the State Bar Council of Chhattisgarh prays for and is allowed three day's time to file reply to I.A. No.92, application for grant of relief to advocates who have lost their life or have been infected during the pandemic COVID-19. He submits that though communication has been sent to the Bar Association throughout the State to intimate the Bar Council as to the names of the lawyers who have suffered death due to COVID-19, no such information has been sent by the concerned Bar Associations to the State Bar Council.

Let District Bar Association, Bilaspur on whose letter, I.A. No.92 has been registered, file response to the submission made by Mr. Kishore Bhaduri, learned Senior Advocate. Likewise, Registry shall send intimation to all the District Bar Associations in the State informing them that, if they so desire, they may appear before this Court and file response. The respective Bar Associations may also submit names of the lawyers who have suffered death or who have been infected with COVID-19 pandemic, so that appropriate orders can be passed after hearing all the concerned parties.

The Advocate Welfare Trust of the Bar Council of Chhattisgarh shall also file separate response so that the wholesome holistic view can be taken to render financial assistance to the affected lawyers.





WPPIL No.66/2021

Learned State counsel shall supply complete set of petition, return and intervention application to Mr. Prafull N. Bharat, learned Senior Advocate, who has been appointed as amicus curiae by this Court for assistance in WPPIL No.27/2020.

Post this matter for final disposal at motion stage on **08.7.2021**.

Mr. Prafull N. Bharat, learned Senior Advocate is appointed as amicus curiae for this petition also.

Other petitions shall also be listed on **08.07.2021**.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

SD/-
(Parth Prateem Sahu)
Judge

Ayushi

