

MANAN KUMAR MISHRA

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भारतीय विधिज्ञ परिषद्
BAR COUNCIL OF INDIA

(Statutory Body Constituted under the Advocates Act, 1961)

21, Rouse Avenue Institutional Area, New Delhi - 110 002

BCI:D: 1842/2021 (Council)

7.5.2021

To,

Hon'ble The Chief Justice of India and his
Hon'ble Companion Judges of Supreme Court,
New Delhi.

My Lord(s),

Humbly and Respectfully, I beg to state that this letter is being sent to your Lordship in the light of the resolution of Bar Council of India taken on 5th May, 2021. (copy of the Resolution dated 5th May, 2021 attached)

The first request of the Bar Council of India is to treat this letter as a separate P.I.L. and to list it urgently either today or tomorrow and allow the prayers made in this letter.

OR

To treat it as an Interlocutory Petition in the Suo-Motu writ case and to direct the office to list it tomorrow before the appropriate bench dealing with connected matters.

The office may kindly be directed to send the link to Bar Council of India on the following mail ids:-

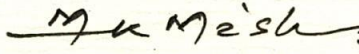
bciinfo21@gmail.com

manankumarmishra@gmail.com

A copy of this letter is also being sent through email to the Union of India through the Hon'ble Solicitor General of India, all the State Governments (through their Chief Secretaries and Health Secretaries) for the needful, and it may be treated as advance notice to them.

Obliged!

Yours sincerely,


Manan Kumar Mishra 7.5.2021
Senior Advocate
Chairman, BCI

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To,

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Hon'ble Companion Judges of Supreme Court,

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**LETTER PETITION FOR PASSING APPROPRIATE ORDER/DIRECTIONS
TO ALLEVIATE THE SUFFERINGS OF ADVOCATES, JUDGES, THEIR
STAFF AND FAMILIES DEVASTATED BY COVID 2ND WAVE
THROUGHOUT THE COUNTRY**

**Reg.: Appointment/Designation of District Judge(s), Registrar General(s) of
High Courts & Supreme Court as NODAL OFFICERS for facilitating and
extending medical assistance to Advocates, Judges, their families and staff.**

My Lords

The letter may kindly be treated as a petition of Bar Council of India, the apex statutory body for the legal profession in the country and appropriate orders/directions may be given to the Union/State Government in the light of submissions made hereinbelow:-

My Lords,

In the last few weeks, the Bar in the country starting from Supreme Court to the trial courts has lost many eminent and brilliant Advocates and Judges. This is a huge loss not only to the Bar and Bench, but, to the society also and administration of justice as a whole. During pandemic, advocates, judges and court staff are also relentlessly working and serving the society like doctors, medical workers, police and media people.

Lordships,

The whole country is massively ravaged by the second surge of Corona and a large section of hapless people are passing through unthinkable and pathetic sufferings for want of adequate medical attention and treatment. Hospitals are overflowing with patients and even extremely sick patients are not getting hospital beds, let alone, oxygen beds or ICU beds. Thousands have died, a large number of them at hospital gates and in hospital compounds and even on the road without being attended to by any doctor or medical staff. Oxygen facilities and prescribed drugs are not available, and if available, it is only in black market where no one can even know of the purity or genuineness of the drug.

My Lords,

We are writing this letter-petition on behalf of about two million Advocates of the country, their staff and families. We must make it amply clear that we do not want any special treatment in the matter of medical attention as compared to other sections of the society, but, a graceful response from the concerned official machinery, so that there is some mitigation in the miseries and sufferings of the affected lawyers and their family members. The advocates, though not special citizens, are important part of the society and frontline workers and stakeholders in the matter of dispensation of justice, like judges.

The Supreme Court has already been passing orders on day to day basis in the aftermath of the deadly COVID pandemic. We, highly appreciate these drastic, effective steps and life saving directions of our Supreme Court. People of the country have the only hope left in the Supreme Court and various High Courts today. The Government machineries have almost failed.

We would request your Lordships to pass a similar order/directions, thereby directing the Union and State Governments to provide sufficient beds and other Corona treatment facilities to the advocates, judges, their staff and families who are in the need at District and Taluka level, High Courts and wherever necessary.

Thousands of advocates and their family members and staff have already died and many continue to be in the grip of the deadly pandemic, but there is none to respond to their sufferings and attend their calls. In Bihar, one member of State Bar Council (Late Shashi Shekhar Kishore) died few days back for want of oxygen. There are many such instances reported from other parts of the country. In Uttar Pradesh, several thousands of lawyers have died; similar is the case with Andhra Pradesh, Gujarat, Assam, Madhya Pradesh, Jharkhand, Kerala, West Bengal, Rajasthan, Tamil Nadu, Uttarakhand, Chhattisgarh, Delhi and almost all other States.

In District and Taluka places neither sufficient ambulances are available nor are there sufficient oxygen beds in hospitals. Ventilators are like a dream for the States like Bihar, Uttar Pradesh, Madhya Pradesh, West Bengal etc.

My Lords,

It appears that the other P.I.L.s are mostly dealing with the cases of bigger cities; we are not considering the precarious conditions prevailing at remote places and the harrowing conditions of the advocates and their families.

Law Courts, schools and colleges are the main centers of assembly in most of the District Headquarters. The Advocates and Judicial Officers therefore permanently reside at the places where the Law Courts are situated.

My Lords,

India lives in villages and 80% of lawyers and their families live in District and Taluka headquarters. Therefore, we shall have to think about the lawyers residing in remote places also. Neither the District administration nor any of the governmental authorities are attending the calls of advocates in need of any

crisis. Similar is the case with the Advocates practicing in various High Courts and even in the Supreme Court. Such complaints are being received from almost all parts of the country. Advocates, their families and staff are most helpless and neglected during the current spell of pandemic.

During the last 14-15 months, no official machinery has thought about the common advocates, who are "Officers of the Court ". What to talk of any financial assistance, the Union or State Governments have not been able to provide proper and adequate medical services to the advocates, who are left in the lurch. Therefore, we are making the humble request to appoint NODAL-OFFICERS at all level. These Nodal Officers should be form amongst the Higher Judicial officers. The Lawyers may call their respective Bar Association(s) in case of need and/or to raise their grievances: And the office-bearers of Bar Associations may be allowed to call the Nodal officers. The Nodal officers may be authorized and empowered to call the concerned Head of Health Department, Medical officers, Heads of the Hospitals , the Administrative and Police Head of the District for redressal of the grievances of the Advocates/their families. The calls/orders of Nodal Officers may be made binding on the authorities and should be complied with without any delay. Any ignorance, negligence or disobedience of orders/calls of Nodal officers may be treated as gross contempt and should also be treated to be gross misconduct on the part of the concerned Authorities.

The Advocates, their family and staff members, the judicial Officers, their families and staff all need sufficient beds and other medical facilities at their respective places of residence. The Advocates of State Headquarters where mostly the High Courts are situated are also not getting any hospital bed and/or medical facilities. Thousands and thousands have died. Of course, we are obliged to Hon'ble Supreme Court and High Courts, who have been dealing with the matters. We are thankful to Delhi and Karnataka High Courts and some other High Courts who have passed very effective and positive orders to help the Advocates (under their jurisdictions) tormented by Corona. But such orders from the Hon'ble Supreme Court and other High Courts are still awaited for by the advocates, their families and staff.

Prayers:-

Therefore, the Bar Council of India prays to your Lordships to pass following orders/issue following directions:-

1. (A) The High Courts may be requested/directed to appoint/designate the District Judges or any other officer(not below the rank of Additional District Judge) as the Nodal Officer for every district to deal with the matters relating to Advocates, Judicial officers, their families and staff in the need of Medical facilities.

And

(B) For the Advocates practicing in High Courts, the designated/nodal officer may be either the Registrar General or some other similarly ranked officer of the High Court

AND

(C) For the Advocates practicing in the Supreme Court the Registrar General(Admin) or any other officer of equivalent rank may be designated as the Nodal officer for the purpose.

In case of any Nodal Officer being over burdened with work, more than one such Nodal Officer(s) may be designated for the purpose by the Supreme Court/High Court(s).

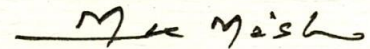
2. (A) The State Governments and District Administration may be directed to provide oxygen cylinders and ensure the oxygen supply for any Advocate or his family or staff and to the Judicial Officers, their families and court staff on the recommendation(s) made by the concerned State Bar Council/ Bar Association(s) to the Nodal Officers; if any Advocate is capable to manage the illness at his home.

(B) If any Advocate, his family or staff or any Judicial officer, his family or court staff is in need of an oxygen bed or ICU bed in hospital or there is requirement of a prescribed life saving treatment like Remdesivir/Ventilator etc., he should be provided with it immediately on the recommendation of the concerned Nodal officer.

(In case of Judicial Officers, their families or court staff, there is no need of recommendation of Bar Association).

(3) Any negligence, disregard or violation of the order of Nodal Officer in this regard should be treated as contempt of court; and the Hon'ble High Courts may be requested/directed to initiate appropriate proceedings without any delay.

Obligated!

 7.5.2021

Manan Kumar Mishra
Senior Advocate
Chairman, Bar Council of India



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Resolution dated 5th May, 2021 passed by the General Council of Bar Council of India under Item No. 186/2021

The Council has considered the large number of letters and requests of various State Bar Councils and Bar Associations of the country highlighting the plight of lawyers during the deadly 2nd wave of Corona. Thousands of Advocates, their families and staffs have died for want of proper medical treatment. In Bihar, one young member of State Bar Council, Late Shahsi Shekhar Kishore has died in P.M.C.H. for want of oxygen and one Member of Delhi State Bar Council has also died for the same reason. In West Bengal, three members of State Bar Council have died and one is critical. In Uttar Pradesh alone thousands of Lawyers have died. Andhra Pradesh, Maharashtra are also worst, Jharkhand, Madhya Pradesh, Gujarat, Assam, Chhattisgarh, Uttarakhand, Himachal Pradesh, Telangana, Delhi, Kerala, Tamil Nadu, Odisha, Haryana, Punjab, North Eastern parts of the country, everywhere the condition is the same. The State/District Administration are not taking any notice of the Advocates' call or requests for proper medical assistance. They have left the Advocates, Judges, their families and staff without any medical attention. Neither hospital beds are available, nor oxygen, ventilators or life saving drugs are made available. Remdesivir is a dream for many and thousands of lawyers and their family members have not been able to get it in time.

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The State/District Administrations are not keeping proper records of the complaints made to them. At many places, false and fake "NEGATIVE" reports are given just to avoid their responsibilities. The situation is getting worse day by day and the Bar Councils/Bar Associations have represented that the things have gone beyond control and they feel quite helpless.

The Advocates' bodies have also requested that there should be provision for vaccination for advocates, judges, their families and staff in the Court/ Bar complex.

The State has declared some other class of citizen as "CORONA WARRIORS" and has decided to give them priority in the matters of vaccination; similar treatment/priority should be extended to the officers of the courts also.

Resolution:-

The Council has considered, discussed and deliberated over these important and serious difficulties concerning about 2 million of Lawyers. This issue relates to protection of lives of several lakhs of Advocates. Several thousand have already died and many more are suffering and passing through painful times. There is none to help them. Neither they are getting beds, in hospitals, nor any required treatment to save their lives and the lives of their family and staff.

The Council, accordingly, resolves as follows:-

(1) The Council requests and authorizes Hon'ble the Chairman, to write a letter to Hon'ble the Chief justice of India to treat his letter as a P.I.L. and to issue necessary directions to the State Governments and/or High Courts for extending proper medical facilities to the Advocates, Judges, Judicial Officers, their families and staff. Copy of letter should be forwarded to the Union of India through Hon'ble Solicitor General of India and to the Chief Secretaries and Health Secretaries of all the State Governments.

(2) The Council further requests Hon'ble Chairman to make appropriate prayer to Hon'ble Chief Justice of India and his companion Hon'ble Judges to appoint District Judges/Registrar Generals as Nodal Officers at all levels (right from Taluka, District to Supreme Court) for effectively dealing with these issues and to look into and redress the grievances of Advocates And also to punish the erring officers in case of any disobedience of the orders of such Nodal Officers.

(3) The Hon'ble Chairman is further requested to write to learned Secretary General, Supreme Court to place the letter of Bar Council of India before the Hon'ble Chief justice of India without any delay, so that the P.I.L. may be taken-up and necessary orders may be passed within 1 or 2 days, so that lives of lakhs of lawyers, Judicial officers, staffs and their families could be saved.

A copy of the letter of Hon'ble Chairman be also sent to all the Hon'ble Chief Justices of High Courts for the needful.

Resolved accordingly.

M. K. M.