

(2020) 05 JH CK 0039

In the Jharkhand High Court

Case No : Writ Petition (PIL) No. 1303, 1306, 1309 Of 2020

Ram Subhag Singh And Ors

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

Date of Decision : 07-05-2020

Acts Referred:

Constitution Of India, 1950 — Section 226

Citation : (2020) 05 JH CK 0039

Hon'ble Judges : Dr. Ravi Ranjan, CJ; Sujit Narayan Prasad, J

Bench : Division Bench

Advocate : Sumit Gadodia, Sonal Tiwary, Rajiv Ranjan, Rajiv Sinhha, Rajendra Krishna, Prashant Kumar Singh, Indrajit Sinha, Chanchal Jain

Final Decision : Disposed Of

Judgement

Dr. Ravi Ranjan, C.J.

1. These matters have been heard through video conferencing with consent of the parties.

2. WP(PIL) No. 1303 of 2020 has been filed for a direction upon the respondent-State of Jharkhand to forthwith disburse a fund of Rs.50.00 Crores to meet the financial aid to the practicing Advocates within the territorial jurisdiction of this Court as also the registered Advocates' Clerks of various Courts in the State of Jharkhand; W.P.(PIL) No. 1306 of 2020 has been filed for a direction upon the respondents to provide financial help of at least Rs.10,000/- per month to each needy lawyer of the State of Jharkhand, during the present period of crisis, so that they may be able to purchase necessary articles and medicines; and W.P. (PIL) No. 1309 of 2020 has been filed for a direction upon the respondents to provide financial to the Advocates and registered Advocates' Clerks during the lockdown period and to provide monthly subsistence allowance for young and economically weak lawyers, during this crisis period.

3. These writ petitions having common cause, pertaining to grant of financial aid

to the Advocates and Advocates' Clerks working in the High Court of Jharkhand and the district courts within the State of Jharkhand, with consent of the parties, have been heard together and are being disposed of by this common order.

4. On the very first day of hearing i.e. on 27.04.2020, on a query put by this Court, the petitioner in person submitted that there is no legal vested right for seeking a command from this Court in exercise of Power conferred under Article 226 of the Constitution of India, directing the State Government to provide a fund of Rs.50.00 Crores by way of financial aid to the members of the Bar and their Clerks. However, this Court on 22.04.2020 passed an order directing the stakeholders i.e. the Bar Council of India, the State Bar Council, The Chairman of the Advocates' Welfare Fund Trust Committee as also the learned Advocate General appearing for the State of Jharkhand to file their response to the averments made in the writ petitions. Further, for one of the issues raised in W.P. (PIL) No. 1309 of 2020, pertaining to the aid to be provided to the Advocates' Clerks, it was informed that pursuant to the order passed by a Division Bench of this Court in W.P.(PIL) No. 3347 of 2020 dated 10.05.2017, Jharkhand Advocates' Clerks Welfare Fund Act has been notified.

5. However, this Court, considering the submissions of the parties as also the stand taken by learned Advocate General for calling upon an emergent meeting of the Trustee Committee and the assurance to come out with a notification containing the Rules for proper implementation of Jharkhand Advocates' Clerks Fund Act, adjourned these matters for today.

6. Today the Jharkhand State Bar Council has come up with a detailed affidavit pursuant to the earlier order answering what step has been taken by the Advocates' Welfare Trustee Committee for welfare of the needy Advocates in the present scenario. In the affidavit of the Jharkhand State Bar Council, in particular, paragraph nos. 16 and 17 it has been stated categorically that majority view of the Advocates who participated in the meeting was that the Advocates who are being paid stipend should also be provided the benefits under the aforesaid scheme.

7. Mr. Rajendra Krishna, learned counsel and Chairman, State Bar Council, who is present today, has assured that very soon decision in that regard would be taken and the scheme of the Trustee Committee will be approved by way of circulation for its suitable implementation.

8. So far as the issue of Advocates' Clerks are concerned, learned Advocate General has assured us that necessary Rules would be framed very soon so that all the needy Advocates' Clerks in the State of Jharkhand would be benefitted.

9. It would be apt to notice here that vide order dated 10.05.2017, passed in W.P. (PIL) No. 3347 of 2014 while dealing with the issue of the Advocates Clerks Association, Jharkhand High Court, Ranchi, this Court in paragraph no.10 has stated that this order will remain valid till the Government passes any legislation for the benefit of the Association. The said order dated 10.05.2017 requires to be

modified to the following extent:

"The order will remain valid till the Government passes legislation (which has already been passed) and proper notifications are issued and Rules are framed under the statute, in terms of Section 25 of the Act so that the benefit would be given to the needy Advocates" Clerks of the entire State."

10. Accordingly, let the aforesaid writ petition which was disposed of on 10.05.2017 be listed on 12.05.2020 under the heading "To be mentioned".

11. With the aforesaid observations and in view of the order passed by Hon'ble Apex Court in Writ Petition (Civil) No. 10949 of 2020 observing therein that the best course is that the Bar Council of India should consider assisting its brethren and keeping in view the prevailing situation, these matters are consigned.

12. Interlocutory Application, if any, also stands disposed of.