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**IN THE HON'BLE HIGH COURT OF UTTARAKHAND**

**AT NAINITAL**

**INDEX**

**IN**

**WRIT PETITION NO.        OF 2020 (PIL)**

**(Under Article 226 of the Constitution of India)**

**(District: Dehradun)**

**Manmohan Kandwal and Others**

**....Petitioners**

**Versus**


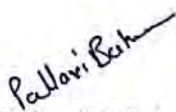

**State of Uttarakhand and Others**

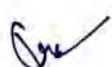
**...Respondents**

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Dated: 17/04/2020.

  
(Dr. Kartikey Hari Gupta)  (Pallavi Bahuguna)   
(Vikas Bahuguna)  
Advocates  
Counselors for the Petitioners



**IN THE HON'BLE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

**Dates and Events**

**IN**

**WRIT PETITION NO. OF 2020 (PIL)**

(Under Article 226 of the Constitution of India)

(District: Dehradun)

Manmohan Kandwal and Others

....Petitioners

Versus

State of Uttarakhand and Others

...Respondents

1.	March, 2020	COVID-19 epidemic was declared as Pandemic by World Health Organization. It is a serious health hazard and has affected many countries across the world including India.
2.	24-03- 2020	National Disaster Management Authority in exercise of powers under Section 6 (2) (i) and Section 10 (2) (1) of the Disaster Management Act, 2005 passed orders to close down all business and service establishments in the country except provided in the lockdown order. Such order of closing down all the service as well business activity centers in the country were to


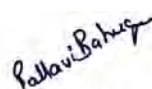

		ensure social distancing to prevent the spread of COVID-19 in the country. The orders were passed for 21 days duration.
3.	March, 2020	Following the above-mentioned order state of Uttarakhand also passed orders of closing down all service and business establishments except as provided in Government of India. Further, the state of Uttarakhand has also exercising its powers under Section 24 of the Disaster Management Act, 2005 has restricted all vehicular traffic in the state. As a result of above-mentioned measures to contain the epidemic all interstate and intra state movement of people has come to a standstill from 24-03-2020 till today.
4.	29-03-2020	Revised guideline was issued by the Government of India in which transportation of goods and essential and non-essential has been allowed. Groceries, supply chain of milk collection and distribution as well as

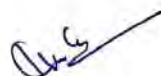
		newspaper delivery were allowed to function.
5.	14-04-2020	Closedown orders passed on 24-03-2020 were extended till 03-05-2020 as a measure to ensure COVID-19 epidemic and social distancing.
6.	27-03-2020	Reserve Bank of India has issued a COVID-19 Regulatory Package in which all financial institutions have been permitted to grant a moratorium of three months on payment of all installments falling due between March 1, 2020 and May 31, 2020. This package however makes it clear that interest shall continue to accrue on the outstanding portion on the term loans during the moratorium period. RBI package is grossly insufficient to provide relief to advocates having term loans as accrual of interest by the banks have been allowed which shall further burden such advocates especially in the circumstances when they have been deprived any livelihood opportunities

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		<p>due to COVID-19 containment measures.</p> <p>In pursuant to the above-mentioned facts and circumstances Hon'ble High Court of Uttarakhand as a measure of prevention of COVID-19 and securing social distancing adjourned all its functioning till 14-04-2020.</p>
6.	15-04-2020	<p>Hon'ble High Court has decided to take up fresh matters having extreme urgency. A standard operating procedure has been issued for the same.</p> <p>Hon'ble High Court has decided to hear only fresh matters with extreme urgency through video conferencing.</p>
		Hence, this present petition

Dated: 17/04/2020

  
  
  
 (Dr. Kartikey Hari Gupta) (Pallavi Bahuguna) (Vikas Bahuguna)  
 Advocates  
 Counsels for the Petitioners



**IN THE HON'BLE HIGH COURT OF UTTARAKHAND  
AT NAINITAL  
COURT FEE**

**IN**

**WRIT PETITION NO.                      OF 2020 (PIL)**

(Under Article 226 of the Constitution of India)

(District: Dehradun)

Manmohan Kandwal and Others

...Petitioners

Versus

State of Uttarakhand and Others

...Respondents

(Due to the lockdown measures payment of court fees in usual manner is not possible, there is no procedure to pay court fees online. Hence, it is humbly prayed to this Hon'ble Court that the matter maybe heard without payment of court fees and the petitioner undertakes to deposit due court fees and submit the proof within three days from the day the notification dated 11-04-2020 will cease to have effect.)



IN THE HON'BLE HIGH COURT OF UTTARAKHAND  
AT NAINITAL

WRIT PETITION NO. OF 2020 (PIL)

(Under Article 226 of the Constitution of India)

(District: Dehradun)

1. Manmohan Kandwal S/o Late Shri. Jagdish Prasad Kandwal R/o House No. 586 Bhramपुरi, Niranjarpur, PS- Patelnagar, Dehradun, Uttarakhand  
(Male aged about 51 years)
2. Anil Kumar Sharma S/o Shri. B.M Sharma R/o House No. 64, Mata Mandir Road, Om Vihar, Dehradun, Uttarakhand  
(Male aged about 46 years)
3. Mukesh Rawat S/o Avtar Singh Rawat R/o Bharat Bhawan Near Garhwal Mandal Vikas Nigam, Gairsain, Tehsil – Garisain, District – Chamoli, Uttarakhand.  
(Male aged about 35years)

... Petitioners

Versus

1. State of Uttarakhand, Through Chief Secretary, Government of Uttarakhand, Dehradun.
2. Bar Council of Uttarakhand through Secretary Office at High Court Campus, Nainital, Uttarakhand.
3. Bar Council of India through its Secretary, 21 Rouse Avenue Institutional Area near BalBhawan, New Delhi – 110002.
4. Union of India through National Disaster Management Authority through its Member Secretary, Policy and Plan Division NDMA Bhawan, A-1 Safdarjung Enclave, New Delhi-110029.

...Respondents

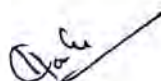


To,

Hon'ble the Chief justice and his other companion Judges  
of the aforesaid court.

The humble petition of the aforesaid petitioner most  
respectfully showeth as under:-

1. That the petitioner is a person espousing public interest  
cause in India particularly in the state of Uttarakhand.
2. That the subject matter is directly and intricately related to  
the enforcement of fundamental right to equality,  
profession, life and livelihood guaranteed to the citizens of  
this country and citizens of this state under Article 14, 19  
and 21 of the Constitution of India.
3. That to the best of the knowledge of the petitioner no  
petition for the cause in the present petition has been filed  
or pending before this Hon'ble Court.
4. That the subject matter of the writ petition is not res  
integra. Questions of law in the present case are being  
agitated for the first time on the basis of present facts.



5. That the petitioner in public interest is aggrieved by the arbitrary and illegal omission/ inaction on the part of respondents in not providing sufficient welfare measures, means of life and livelihood to the class of citizens namely advocates in the state of Uttarakhand.
6. That the advocate means an advocate entered in any roll under the provisions of the Advocates Act, 1961. On the roll of Bar Council of Uttarakhand/ Respondent no. 2 approximately more than 16000 advocates are enrolled. For the purpose of Advocates Act and welfare functions advocates maybe treated as a class of persons for which separate welfare measures may be taken by the respondents as they are regulated by the statutory functions and duties.
7. That starting from the month of March, 2020 The COVID-19 epidemic was declared as Pandemic by World Health Organization. It is a serious health hazard and has affected many countries across the world including India.
8. That on 24<sup>th</sup> March, 2020 National Disaster Management Authority in exercise of powers under Section 6 (2) (i) and Section 10 (2) (1) of the Disaster Management Act, 2005 passed orders to close down all business and service establishments in the country except provided in the



lockdown order dated 24-03-2020. Such order of closing down all the service as well business activity centers in the country were to ensure social distancing to prevent the spread of COVID-19 in the country. The orders were passed for 21 days duration with effect from 25-03-2020.(True and correct copy of lock down order dated 24-03-2020 are marked and annexed as ANNEXURE NO.1)

9. That following the above-mentioned order state of Uttarakhand also passed orders of closing down all service and business establishments except as provided in Government of India order dated 24-03-2020. Further, the state of Uttarakhand has also exercising its powers under Section 24 of the Disaster Management Act, 2005 has restricted all vehicular traffic in the state. As a result of above-mentioned measures to contain the epidemic all interstate and intra state movement of people has come to a standstill from 24-03-2020 till today.
10. That on 29-03-2020 a revised guideline was issued by the Government of India in which transportation of goods and essential and non-essential has been allowed. Groceries, supply chain of milk collection and distribution as well as newspaper delivery were allowed to function.



- 11. That on 14-04-2020 closedown orders passed on 24-03-2020 were extended till 03-05-2020 as a measure to ensure COVID-19 epidemic and social distancing. True and correct copy of lockdown extension orders dated 14-04-2020 is marked and annexed as ANNEXURE NO.2.
  
- 12. That on 27-03-2020 Reserve Bank of India has issued a COVID-19 Regulatory Package in which all financial institutions have been permitted to grant a moratorium of three months on payment of all installments falling due between March 1, 2020 and May 31, 2020. This package however makes it clear that interest shall continue to accrue on the outstanding portion on the term loans during the moratorium period. RBI package is grossly insufficient to provide relief to advocates having term loans as accrual of interest by the banks have been allowed which shall further burden such advocates especially in the circumstances when they have been deprived any livelihood opportunities due to COVID-19 containment measures. True and correct copy of Reserve Bank Of India order dated 27-03-2020 is marked and annexed as ANNEXURE NO. 3.
  
- 13. That in pursuant to the above-mentioned facts and circumstances Hon'ble High Court of Uttarakhand as a measure of prevention of COVID-19 and securing social

*[Handwritten signature]*

distancing adjourned all its functioning till 14-04-2020. From 14-04-2020 onwards Hon'ble High Court has decided to take up fresh matters having extreme urgency. A standard operating procedure has been issued for the same. Hon'ble High Court has decided to hear only fresh matters with extreme urgency through video conferencing.

14. That from 15-04-2020 onwards various district courts have also been made functional for important/ remand cases through video conferencing.
  
15. That majority of lawyers do not have proper video conferencing facilities particularly internet connections having speed of minimum 2 MBPS. Hence, they are unable to assist their clients through video conferencing in a proper manner. It is hence needed that lawyers in district courts visiting jail, Magistrates or Court for remand function or any other urgent function maybe allowed to reach their destination. Hence, maybe exempted from restriction of movement imposed by respondent no. 1 or any other authority under Section 24 of the Disaster Management Act, 2005.
  
16. That above-mentioned measures of lockdown and restriction on vehicular movement as well as social distancing has severely affected the advocates in the state.



From 24-03-2020 till 14-04-2020 for complete 21 days advocates in the state has been deprived of any income opportunity due to prevention of measures of COVID-19 and social distancing. Even after 14-04-2020 till 03-05-2020 there are severe restrictions on usual court work, client counseling, and hearing of matters of all the courts of the state. It has deprived advocates further from having any income from court work or client counseling. Advocates in the state have been deprived of their Right to Livelihood due to several restrictions as a measure of containment of COVID-19 epidemic and ensuring social distancing. All class and sections of advocates and their staff namely registered advocate clerks have been severely affected more than any other section for the society because court work is statutorily mandated only way of earning livelihood for the advocates.

17. That the clerks of the advocates perform important functions and assist the courts in justice delivery. They are registered and their conditions of service are guided by High Court Rules. Their income is also dependent on every day visitations of clients for court proceedings and miscellaneous proceedings. Extreme measures of social distancing and lock-down have left them without any source of income and opportunity of livelihood. In this time of great difficulty taking no welfare measures for



advocate clerks is arbitrary and illegal on the part of respondents.

18. That the respondents, particularly respondent no. 2 and 3 are duty bound to protect the interest of advocates on its rolls. Respondent no 2 and 3 have statutory functions under Section 6 (d) (dd), Section 6 (2) (a) and Section 7 (d), Section 7 (2) (a) respectively to safeguard the rights, privileges, interests of advocates on its roll, to implement welfare schemes, to give financial assistance to advocates.


19. That the respondent no. 2, Bar Council of Uttarakhand is charging below mentioned fees from various categories of applicants for enrolment. For the ready reference a table is reproduced below mentioning category and enrolment fees.

S.No.	General Category	Scheduled Cast	General Category 40 Years age and above	Scheduled Cast 40 Years age and above
1.	Total Rs. 18, 650/-	Total Rs. 15, 525/-	Total (For Male) Rs. 38, 650/-  (For Female) Rs. 33, 650/-	Total (For Male) Rs. 35, 525/-  (For Female) Rs. 30, 525/-

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20. That the respondents also charge fee and maintain advocates welfare fund under Advocates Welfare Fund Act, 2001. For every proceeding's in the court a certain amount of money is charged from advocates/clients to maintain welfare funds.
21. That the respondents are duty bound to provide financial assistance to all the advocates in the state who are suffering from the loss of livelihood due to social distancing measures and various other measures of containment of COVID -19.
22. That the loss of livelihood shall result into loss of life as both are so intricately connected that one cannot be imagined to survive in absence of another. Right to life and livelihood are interlinked and any deprivation of life and livelihood is violation of Article 21 of the Constitution of India.
23. That respondent's particularly respondent no.2 and 3 have charged hefty amounts as registration fee, welfare fee and many other kind of amounts from the advocates practicing in courts. The purpose of existence of Respondent no. 2





and 3 is to regulate and support advocates so that they can perform their fundamental duty of assisting the courts of law in the country hence they are duty bound to provide financial and other assistance to the advocates.

24. That to provide welfare measure and financial assistance to all the advocates in the state is a part of regulation of legal profession by the respondent no. 2 and 3.

25. That apart from all other welfare measures which this Hon'ble Court may deem fit for the advocates to survive in this time of pandemic, below mentioned measures are eminent which this Hon'ble court may direct the respondents to provide for advocates in the state.

a. A subsistence allowance of Rs. 10,000/- or above maybe given to every advocate.

b. Free medical aid maybe directed to be given to the advocates who report themselves on suspicion of COVID-19.

c. Advocates, living in tenanted premises, maybe exempted from paying rent to any landlord for the month of March, April, May, 2020 or any further



period during which lockdown of the state remains effective.


d. That the respondent no. 1 and its agencies maybe directed not to charge electricity and water fees from advocates for the month of March, April, May, 2020 or any further period during which lockdown of the state remains effective.

e. The respondent no. 1 maybe directed to instruct all the schools in the state not to charge school fees for their wards for the above-mentioned duration.

f. Advocates may be allowed to travel for attending remand case/urgent case to district court or jail premises in the districts.

g. Office bearers namely President and Secretary of the District Bar associations and High Court Bar Association may be exempted from vehicular or other travel restrictions for meeting district and state authorities.

h. That the respondent no. 4 may be directed to frame guidelines for minimum standards of relief to be provided to all the affected advocates under Section 12 of Disaster Management Act, 2005.



- i. That the respondent no. 4 may be directed to pass orders under Section 13 to provide relief in loan repayment in the form of stoppage of accrual of interest as well as repayment installments for the above-mentioned duration.
  
26. That the function of advocates is fundamental to the administration of justice and litigants have a fundamental right to choose their counsel for legal proceedings. That in the case of *R. Muthukrishn vs Registrar General of the High Court of Judicature at Madras* (2019 SCC OnLine SC105) Hon'ble Supreme Court of India has held that the profession of lawyers is akin to military service and lawyers are mandated to serve judiciary in like manner. Their role is crucial for the protection of democratic values and to ensure that the Rule of Law prevails in the country.
  
27. That the social distancing measures and lack of proper video conferencing facilities with many advocates have hampered the fundamental right of litigants to choose their counsels.
  
28. That Hon'ble Supreme Court of India in the case of *P. An Advocate* (AIR 1963 SC 1313) has held that an advocate



stands in a *loco parentis* towards the litigants. In the role of *loco parentis* an advocate is duty bound to provide his services with the highest degree of sincerity and diligence to the litigants.

29. That the Hon'ble High Court of Uttarakhand in the case of *Ishwar Shandilya vs State of Uttarakhand* (W.P (P.I.L) 31 of 2016) and *Kuldeep Aggarwal vs State of Uttarakhand* (W.P (P.I.L) 71 of 2019) has also held that the Bar Council acts as a custodian of the high traditions of the legal profession and has a vibrant and responsible role to play at the state level. It has said that the state Bar council is the collective representative of the lawyers and the public in regard to the observance of professional ethics by persons belonging to the profession. The court has held that the State Bar Council is duty bound to maintain the nobility of the profession. Hon'ble High court has enjoined upon the bar Council of India with the duty to act as the sentinel of professional conduct and should ensure that the dignity and the purity of the profession is in no way undermined. Hon'ble Court has declared the State Government as an important stakeholders in the matters of functioning of advocates and courts. State is under the obligation to aid the court in effective dispensation of justice. In the light of the above-mentioned law laid down by this Hon'ble Court deprivation of opportunity of livelihood linked to right to life is a serious violation of dignity of advocates and high



standards of legal profession. Under these circumstances respondents are duty bound to provide special financial and other assistance to the advocates in the state.

30. That advocates constitute a separate class of persons and are entitled for separate financial and other relief measures from the respondent authorities.
31. That the Advocates Act as well as Bar Council of India Rules provides various regulations for the conduct of the profession of the advocates. Advocates are strictly governed by the code of conduct prescribed in the statutory provisions hence the profession of advocates is not a business it is a service to the society.
32. That the role of advocates and their services are very fundamental to the functioning of the law courts and the whole judicial system of the country. Advocates are the officers of law courts. Advocates are not in full time paid employment of the courts. However, Section VI of Chapter II makes advocates duty bound to render legal aid to anyone genuinely in need of a lawyer. Section VII Chapter II of Bar Council of India Rules puts several restrictions on any other employment of advocate. Such statutorily mandated duties and functions of advocates make them officers of the court and a separate class of persons and



part and parcel of the justice delivery infrastructure of the whole legal system of this country. Traditionally, except engaged by the State Government and its agencies, advocates are not paid anything for their service to the society by the state. Advocates remain dependent on the fees charged by them from their clients as per the Bar Council of India Rules.

33. That at the time of complete lockdown in the country, all the persons in the employment of the courts/government are being paid their salaries and despite being fundamental to the functioning of the courts and whole judicial system, at this difficult time, advocates, otherwise been given the status of officers of the court, have been left out without any relief payment by respondents. Such discrimination in the opportunity to earn the livelihood is violative of Article 14, 19 and 21 of the Constitution of India.
34. That despite collecting money from the advocates for various heads under the Advocates Act and Bar Council of India Rules and maintaining advocates welfare funds respondents have arbitrarily omitted to provide financial and other relief to the advocates in the state suffering severe financial hardship due to the COVID-19 containment measures.



35. That presently the whole country including state is under lock down. Representation to respondents for the present cause of action is not possible due to extreme measures of social distancing and lockdown. No official channels of communications for representing them has been opened by respondents. Hence, it is not possible to represent the present cause of action before the respondents and it is humbly prayed to the Hon'ble court that this writ petition maybe entertained and allowed in the present facts and circumstances.
36. That this is the first writ petition for the present cause of action

**GROUND**

- A. Because the above-mentioned measures of lockdown and restriction on vehicular movement as well as social distancing has severely affected the advocates in the state. From 24-03-2020 till 14-04-2020 for complete 21 days advocates in the state has been deprived of any income opportunity due to prevention of measures of COVID-19 and social distancing. Even after 14-04-2020 till 03-05-2020 there are severe restrictions on usual court work,

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client counseling, and hearing of matters of all the courts of the state. It has deprived advocates further from having any income from court work or client counseling. Advocates in the state have been deprived of their Right to Livelihood due to several restrictions as a measure of containment of COVID-19 epidemic and ensuring social distancing. All class and sections of advocates and their staff namely registered advocate clerks have been severely affected more than any other section for the society because court work is statutorily mandated only way of earning livelihood for the advocates.

- B. Because the clerks of the advocates perform important functions and assist the courts in justice delivery. They are registered and their conditions of service are guided by High Court Rules. Their income is also dependent on every day visitations of clients for court proceedings and miscellaneous proceedings. Extreme measures of social distancing and lock-down have left them without any source of income and opportunity of livelihood. In this time of great difficulty taking no welfare measures for advocate clerks is arbitrary and illegal on the part of respondents.
- C. Because the respondents, particularly respondent no. 2 and 3 are duty bound to protect the interest of advocates





on its rolls. Respondent no 2 and 3 have statutory functions under Section 6 (d) (dd), Section 6 (2) (a) and Section 7 (d), Section 7 (2) (a) respectively to safeguard the rights, privileges, interests of advocates on its roll, to implement welfare schemes, to give financial assistance to advocates.


- D. Because the respondents also charge fee and maintain advocates welfare fund under Advocates Welfare Fund Act, 2001. For every proceeding's in the court a certain amount of money is charged from advocates/clients to maintain welfare funds.
- E. Because the respondents are duty bound to provide financial assistance to all the advocates in the state who are suffering from the loss of livelihood due to social distancing measures and various other measures of containment of COVID -19.
- F. Because the loss of livelihood shall result into loss of life as both are so intricately connected that one cannot be imagined to survive in absence of another. Right to life and livelihood are interlinked and any deprivation of life and livelihood is violation of Article 21 of the Constitution of India.



- G. Because respondent's particularly respondent no.2 and 3 have charged hefty amounts as registration fee, welfare fee and many other kind of amounts from the advocates practicing in courts. The purpose of existence of Respondent no. 2 and 3 is to regulate and support advocates so that they can perform their fundamental duty of assisting the courts of law in the country hence they are duty bound to provide financial and other assistance to the advocates.
- H. Because to provide welfare measure and financial assistance to all the advocates in the state is a part of regulation of legal profession by the respondent no. 2 and 3.
- I. Because the function of advocates is fundamental to the administration of justice and litigants have a fundamental right to choose their counsel for legal proceedings. That in the case of R. Muthukrishn vs Registrar General of the High Court of Judicature at Madras (2019 SCC OnLine SC105) Hon'ble Supreme Court of India has held that the profession of lawyers is akin to military service and lawyers are mandated to serve judiciary in like manner. Their role is crucial for the protection of democratic values and to ensure that the Rule of Law prevails in the country.



- J. Because the social distancing measures and lack of proper video conferencing facilities with many advocates have hampered the fundamental right of litigants to choose their counsels.
- K. Because Hon'ble Supreme Court of India in the case of *P. An Advocate* (AIR 1963 SC 1313) has held that an advocate stands in a *loco parentis* towards the litigants. In the role of *loco parentis* an advocate is duty bound to provide his services with the highest degree of sincerity and diligence to the litigants.
- L. Because the Hon'ble High Court of Uttarakhand in the case of *Ishwar Shandilya vs State of Uttarakhand* (W.P (P.I.L) 31 of 2016) and *Kuldeep Aggarwal vs State of Uttarakhand* (W.P (P.I.L) 71 of 2019) has also held that the Bar Council acts as a custodian of the high traditions of the Nobel profession and has a vibrant and responsible role to play at the state level. It has said that the state Bar council is the collective representative of the lawyers and the public in regard to the observance of professional ethics by persons belonging to the profession. The court has held that the State Bar Council is duty bound to maintain the nobility of the profession. Hon'ble High court has enjoined upon the bar Council of India with the duty to act as the sentinel of professional conduct and should ensure that the dignity and the purity of the



profession is in no way undermined. Hon'ble Court has declared the State Government as an important stakeholders in the matters of functioning of advocates and courts. State is under the obligation to aid the court in effective dispensation of justice. In the light of the above-mentioned law laid down by this Hon'ble Court deprivation of opportunity of livelihood linked to right to life is a serious violation of dignity of advocates and high standards of legal profession. Under these circumstances respondents are duty bound to provide special financial and other assistance to the advocates in the state.

- M. Because advocates constitute a separate class of persons and are entitled for separate financial and other relief measures from the respondent authorities.
- N. Because the Advocates Act as well as Bar Council of India Rules provides various regulations for the conduct of the profession of the advocates. Advocates are strictly governed by the code of conduct prescribed in the statutory provisions hence the profession of advocates is not a business it is a service to the society.
- O. Because the role of advocates and their services are very fundamental to the functioning of the law courts and the whole judicial system of the country. Advocates are the officers of law courts. Advocates are not in full time paid



employment of the courts. However, Section VI of Chapter II makes advocates duty bound to render legal aid to anyone genuinely in need of a lawyer. Section VII Chapter II of Bar Council of India Rules puts several restrictions on any other employment of advocate. Such statutorily mandated duties and functions of advocates make them officers of the court and a separate class of persons and part and parcel of the justice delivery infrastructure of the whole legal system of this country. Traditionally, except engaged by the State Government and its agencies, advocates are not paid anything for their service to the society by the state. Advocates remain dependent on the fees charged by them from their clients as per the Bar Council of India Rules.

- P. Because at the time of complete lockdown in the country, all the persons in the employment of the courts/government are being paid their salaries and despite being fundamental to the functioning of the courts and whole judicial system, at this difficult time, advocates, otherwise been given the status of officers of the court, have been left out without any relief payment by respondents.
- Q. Because presently the whole country including state is under lock down. Representation to respondents for the present cause of action is not possible due to extreme



measures of social distancing and lockdown. No official channels of communications for representing them has been opened by respondents. Hence, it is not possible to represent the present cause of action before the respondents and it is humbly prayed to the Hon'ble court that this writ petition may be entertained and allowed in the present facts and circumstances.

### **P R A Y E R**

It is, therefore Most respectfully prayed that this Hon'ble court may be pleased to issue:

- (i) A writ order or direction in the nature of mandamus directing respondents to provide a subsistence allowance of Rs. 10,000/- or above to every advocate on the roll of Bar Council of Uttarakhand for the period of March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.
- (ii) A writ order or direction in the nature of mandamus directing respondents to provide a subsistence allowance of Rs. 5,000/- or above to every registered advocate clerk in the state of Uttarakhand for the period of March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.

- (iii) A writ order or direction in the nature of mandamus to provide free legal medical aid to be given to the advocates in the State of Uttarakhand who report themselves on suspicion of COVID-19.
- (iv) A writ order or direction in the nature of mandamus directing the respondent no. 1 to ensure that all advocates living in tenanted premises are not charged rent from respective landlords for tenanted accommodation for the period of March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.
- (v) A writ order or direction in the nature of mandamus directing respondent no. 1 and its agencies not to charge electricity and water charges from any advocate for the period March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.
- (vi) A writ order or direction in the nature of mandamus directing respondent no. 1 to instruct all the schools in the state not to charge school fees for their wards for the period March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.

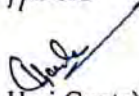
- (vii) A writ order or direction in the nature of mandamus directing respondent no. 1 to allow advocates to travel for attending remand case/ urgent case to district court or jail premises in the districts in the state of Uttarakhand.
- (viii) A writ order or direction in the nature of mandamus directing respondent no. 1 to exempt President and Secretary of the District Bar Associations and High Court Bar Associations from vehicular or other travel restrictions for meeting District and State authorities.
- (ix) A writ order or direction in the nature of mandamus directing respondent no. 4 to frame guidelines for minimum standards of relief to be provided to all the affected advocates under Section 12 of Disaster Management Act, 2005.
- (x) A writ order or direction in the nature of mandamus directing respondent no. 4 to pass orders under Section 13 to provide relief in loan repayment in the form of stoppage of accrual of interest as well as repayment installments for the period March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.



(xi) Any other suitable writ, order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case.

(xii) Further prays that the Hon'ble Court may direct the respondents to pay the cost of the litigation.

Dated: 17/07/2020



(Dr. Kartikey Hari Gupta) (Pallavi Bahuguna) (Vikas Bahuguna)  
Advocates  
Counsels for the Petitioners



No. 40-3/2020-DM-I(A)  
Government of India  
Ministry of Home Affairs

North Block, New Delhi-110001  
Dated 24<sup>th</sup> March, 2020

**ORDER**

Whereas, the National Disaster Management Authority (NDMA), is satisfied that the country is threatened with the spread of COVID-19 epidemic, which has already been declared as a pandemic by the World Health Organisation, and has considered it necessary to take effective measures to prevent its spread across the country and that there is a need for consistency in the application and implementation of various measures across the country while ensuring maintenance of essential services and supplies, including health infrastructure;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority (NDMA), has issued an Order no. 1-29/2020-PP (Pt.II) dated 24.03.2020 (Copy enclosed) directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures so as to prevent the spread of COVID-19 in the country;

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues guidelines, as per the Annexure, to Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities with the directions for their strict implementation. This Order shall remain in force, in all parts of the country for a period of 21 days with effect from 25.03.2020.

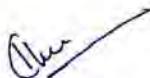
  
24/3/2020  
Home Secretary

To

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories  
(As per list attached)

Copy to:

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.



**Annexure to Ministry of Home Affairs Order No .40-3/2020-D dated ( )24.03.2020****Guidelines on the measures to be taken by Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities for containment of COVID-19 Epidemic in the Country.**

1. Offices of the Government of India, its Autonomous/ Subordinate Offices and Public Corporations shall remain closed.

*Exceptions:*

Defence, central armed police forces, treasury, public utilities (including petroleum, CNG, LPG, PNG), disaster management, power generation and transmission units, post offices, National Informatics Centre, Early Warning Agencies

2. Offices of the State/ Union Territory Governments, their Autonomous Bodies, Corporations, etc. shall remain closed.

*Exceptions:*

- a. Police, home guards, civil defence, fire and emergency services, disaster management, and prisons.
- b. District administration and Treasury
- c. Electricity, water, sanitation
- d. Municipal bodies—Only staff required for essential services like sanitation, personnel related to water supply etc

*The above offices (Sl. No 1 & 2) should work with minimum number of employees. All other offices may continue to work-from-home only.*

3. Hospitals and all related medical establishments, including their manufacturing and distribution units, both in public and private sector, such as dispensaries, chemist and medical equipment shops, laboratories, clinics, nursing homes, ambulance etc. will continue to remain functional. The transportation for all medical personnel, nurses, para-medical staff, other hospital support services be permitted.

4. Commercial and private establishments shall be closed down.

*Exceptions:*

- a. Shops, including ration shops (under PDS), dealing with food, groceries, fruits and vegetables, dairy and milk booths, meat and fish, animal fodder. However, district authorities may encourage and facilitate home delivery to minimize the movement of individuals outside their homes.
- b. Banks, insurance offices, and ATMs.
- c. Print and electronic media
- d. Telecommunications, internet services, broadcasting and cable services. IT and IT enabled Services only (for essential services) and as far as possible to work from home.
- e. Delivery of all essential goods including food, pharmaceuticals, medical equipment through E-commerce.

- f. Petrol pumps, LPG, Petroleum and gas retail and storage outlets.
- g. Power generation, transmission and distribution units and services.
- h. Capital and debt market services as notified by the Securities and Exchange Board of India
- i. Cold storage and warehousing services.
- j. Private security services

All other establishments may work-from-home only.

5. Industrial Establishments will remain closed.
  - Exceptions:
    - a. Manufacturing units of essential commodities.
    - b. Production units, which require continuous process, after obtaining required permission from the State Government
6. All transport services – air, rail, roadways – will remain suspended.
  - Exceptions:
    - a. Transportation for essential goods only.
    - b. Fire, law and order and emergency services.
7. Hospitality Services to remain suspended
  - Exceptions:
    - a. Hotels, homestays, lodges and motels, which are accommodating tourists and persons stranded due to lockdown, medical and emergency staff, air and sea crew.
    - b. Establishments used/ earmarked for quarantine facilities.
8. All educational, training, research, coaching institutions etc. shall remain closed.
9. All places of worship shall be closed for public. No religious congregations will be permitted, without any exception.
10. All social/ political/ sports/ entertainment/ academic/ cultural/ religious functions / gatherings shall be barred.
11. In case of funerals, congregation of not more than twenty persons will be permitted.
12. All persons who have arrived into India after 15.02.2020, and all such persons who have been directed by health care personnel to remain under strict home/ institutional quarantine for a period as decided by local Health Authorities, failing which they will be liable to legal action under Sec. 188 of the IPC.
13. Wherever exceptions to above containment measures have been allowed, the organisations/employers must ensure necessary precautions against COVID-19

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virus, as well as social distance measures, as advised by the Health Department from time to time.

14. In order to implement these containment measures, the District Magistrate will deploy Executive Magistrates as Incident Commanders in the respective local jurisdictions. The Incident Commander will be responsible for the overall implementation of these measures in their respective jurisdictions. All other line department officials in the specified area will work under the directions of such Incident commander. The Incident Commander will issue passes for enabling essential movements as explained.
15. All enforcing authorities to note that these strict restrictions fundamentally relate to movement of people, but not to that of essential goods.
16. The Incident Commanders will in particular ensure that all efforts for mobilisation of resources, workers and material for augmentation and expansion of hospital infrastructure shall continue without any hindrance.
17. Any person violating these containment measures will be liable to be proceeded against as per the provisions of Section 51 to 60 of the Disaster Management Act, 2005, besides legal action under Sec. 188 of the IPC (as per Appendix).
18. The above containment measures will remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.

  
24/3/2020  
Union Home Secretary



**1. Section 51 to 60 of the Disaster Management Act, 2005**

**OFFENCES AND PENALTIES**

**51. Punishment for obstruction, etc.**—Whoever, without reasonable cause —

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act,

shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years.

**52. Punishment for false claim.**—Whoever knowingly makes a claim which he knows or has reason to believe to be false for obtaining any relief, assistance, repair, reconstruction or other benefits consequent to disaster from any officer of the Central Government, the State Government, the National Authority, the State Authority or the District Authority, shall, on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

**53. Punishment for misappropriation of money or materials, etc.**—Whoever, being entrusted with any money or materials, or otherwise being, in custody of, or dominion over, any money or goods, meant for providing relief in any threatening disaster situation or disaster, misappropriates or appropriates for his own use or disposes of such money or materials or any part thereof or wilfully compels any other person so to do, shall on conviction be punishable with imprisonment for a term which may extend to two years, and also with fine.

**54. Punishment for false warning.**—Whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine.

**55. Offences by Departments of the Government.**—(1) Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the

offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**56. Failure of officer in duty or his connivance at the contravention of the provisions of this Act.**—Any officer, on whom any duty has been imposed by or under this Act and who ceases or refuses to perform or withdraws himself from the duties of his office shall, unless he has obtained the express written permission of his official superior or has other lawful excuse for so doing, be punishable with imprisonment for a term which may extend to one year or with fine.

**57. Penalty for contravention of any order regarding requisitioning.**—If any person contravenes any order made under section 65, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

**58. Offence by companies.**—(1) Where an offence under this Act has been committed by a company or body corporate, every person who at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly: Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised due diligence to prevent the commission of such offence. (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also, be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purpose of this section— (a) "company" means any body corporate and includes a firm or other association of individuals; and (b) "director", in relation to a firm, means a partner in the firm.

**59. Previous sanction for prosecution.**—No prosecution for offences punishable under sections 55 and 56 shall be instituted except with the previous sanction of the Central Government or the State Government, as the case may be, or of any officer authorised in this behalf, by general or special order, by such Government.

**60. Cognizance of offences.**—No court shall take cognizance of an offence under this Act except on a complaint made by— (a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or (b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to



the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.

**2. Section 188 in The Indian Penal Code**

188. Disobedience to order duly promulgated by public servant.—Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

*Explanation.*—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm.

*Illustration*

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.



AJAY BHALLA, IAS



गृह सचिव  
Home Secretary  
भारत सरकार  
Government of India  
North Block,  
New Delhi

D.O.No. 40-3/2020-DM-I(A)

14<sup>th</sup> April, 2020

Dear Chief Secretary,

Hon'ble Prime Minister, in his address to the Nation today, has announced that the lockdown in India, which has been imposed to contain the spread of COVID-19 pandemic, will have to be extended till May 3, 2020. In pursuance of this announcement, and on the directions of the National Disaster Management Authority (NDMA), issued on April 14, 2020, I, as Chairperson, National Executive Committee(NEC), have issued directions to all the Ministries/Departments of Government of India, State/Union Territory Governments and Authorities, that the lockdown measures stipulated in the Consolidated Guidelines of MHA, for containment of COVID-19 pandemic in the country, will continue to remain in force upto May 3, 2020. A copy of the Order dated April 14, 2020, issued under the Disaster Management Act, 2005, is herewith enclosed.

2. With the extension of the lockdown, all restrictions that have been imposed in various sectors, and on various activities, will continue to remain in force. These restrictions, which have been spelt out in the Consolidated Guidelines of MHA, must be enforced strictly, by all Ministries/Departments of the Government of India, and by State/Union Territory Governments and Authorities.

3. It is emphasized that as per the orders issued by MHA under the Disaster Management Act, 2005, the States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines.

4. I would again urge you to strictly implement the directions issued by MHA, under the Disaster Management Act, 2005, as contained in the Consolidated Guidelines, without any dilution of the same.

With regards,

Encl : as above.

Chief Secretaries of All States  
(As per standard list)

Yours sincerely,

(Ajay Bhalla)

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AJAY BHALLA, IAS



गृह सचिव  
Home Secretary  
भारत सरकार  
Government of India  
North Block,  
New Delhi

D.O.No. 40-3/2020-DM-I(A)

14<sup>th</sup> April, 2020

Dear *Administrators,*

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3. It is emphasized that as per the orders issued by MHA under the Disaster Management Act, 2005, the States/Union Territories cannot dilute restrictions imposed vide the aforesaid guidelines.

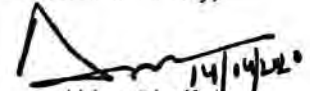
4. I would again urge you to strictly implement the directions issued by MHA, under the Disaster Management Act, 2005, as contained in the Consolidated Guidelines, without any dilution of the same.

With regards,

Encl : as above.

Administrators of All UTs  
(As per standard list)

Yours sincerely,

  
(Ajay Bhalla) 14/4/20



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**No. 40-3/2020-DM-I(A)**  
**Government of India**  
**Ministry of Home Affairs**

North Block, New Delhi-110001  
Dated 14th April, 2020

**ORDER**

Whereas under directions of the National Disaster Management Authority (NDMA)'s Order dated 24.03.2020, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, issued directions vide Order of even number dated 24.03.2020 to all Ministries/ Departments of Government of India, State/ Union Territory Governments and State/ Union Territory Authorities, with the guidelines to implement lockdown measures, to contain the spread of COVID-19, in all parts of the country for a period of 21 days with effect from 25.03.2020;

Whereas, the guidelines to implement lockdown measures were further modified on 25.03.2020, 27.03.2020, 02.04.2020, 03.04.2020 and 10.04.2020 and consolidated guidelines are placed on the website of Ministry of Home Affairs (MHA);

Whereas, NDMA after assessing the situation on COVID-19 epidemic is satisfied that strict social distancing measures need to be implemented for a further period so as to effectively contain the spread of COVID-19 in the country;

Whereas in exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, NDMA has issued an Order number 1-137/2018-Mit-II (FTS-10548) dated 14.04.2020 (copy enclosed) directing the Chairperson, National Executive Committee that existing lockdown measures be continued to be implemented in all parts of the Country, upto 03.05.2020.

Whereas under directions of the aforesaid Order of NDMA, and in exercise of the powers, conferred under Section 10(2)(l) of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, National Executive Committee, hereby issues directions to all the all Ministries/ Departments of Government of India, State/Union Territory Governments and State/Union Territory Authorities that the Lockdown measures stipulated in aforesaid Consolidated Guidelines of MHA for containment of COVID-19 epidemic in the country, will continue to remain in force upto 03.05.2020 to contain the spread of COVID-19 in the country.

  
14/04/2020  
Union Home Secretary

**To:**

1. The Secretaries of Ministries/ Departments of Government of India
2. The Chief Secretaries/Administrators of States/Union Territories  
(As per list attached)

**Copy to:**

- i. All members of the National Executive Committee.
- ii. Member Secretary, National Disaster Management Authority.



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**Government of India**  
**National Disaster Management Authority**  
"NDMA Bhawan",  
A-1, Safdarjung Enclave, New Delhi-110029.



No.1-137/2018-Mit-II(FTS-10548)

Dated, the 13<sup>th</sup> April, 2020.  
14<sup>th</sup>

**ORDER**

On 24<sup>th</sup> March, 2020, the National Disaster Management Authority directed the Ministries/Departments of Government of India, State Governments and State Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID 19 in the country. These measures are in force for a period of 21 days w.e.f. from 25<sup>th</sup> March 2020. Detailed guidelines and addenda were issued by National Executive Committee from time to time under section 10(2)(l) of the Disaster Management Act 2005.

2. Considering the fact that strict social distancing measures need to be implemented for a further period to contain the spread of COVID 19, the National Authority, in exercise of powers under Section 6 (2) (i) of the Disaster Management Act, 2005, directs the Ministries/Departments of Government of India, State Governments and State Authorities to continue the same measures for social distancing upto 3<sup>rd</sup> May, 2020. In this regard the guidelines/orders issued by NEC shall continue to be applicable throughout the country. The Authority further directs NEC to issue modifications in the guidelines as necessary, keeping in view the need to contain the spread of COVID 19.

14/4/2020

Member Secretary, NDMA

To

Union Home Secretary,  
North Block, New Delhi 110011

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भारतीय रिजर्व बैंक  
**RESERVE BANK OF INDIA**  
[www.rbi.org.in](http://www.rbi.org.in)

RBI/2019-20/186

DOR.No.BP.BC.47/21.04.048/2019-20

March 27, 2020

All Commercial Banks (including Small Finance Banks, Local Area Banks and Regional Rural Banks)  
All Primary (Urban) Co-operative Banks/State Co-operative Banks/ District Central Co-operative Banks  
All All-India Financial Institutions  
All Non-Banking Finance Companies (including Housing Finance Companies)

Madam / Dear Sir,

**COVID-19 – Regulatory Package**

Please refer to the Statement of Development and Regulatory Policies released on March 27, 2020 where inter alia certain regulatory measures were announced to mitigate the burden of debt servicing brought about by disruptions on account of COVID-19 pandemic and to ensure the continuity of viable businesses. In this regard, the detailed instructions are as follows:

**(i) Rescheduling of Payments – Term Loans and Working Capital Facilities**

2. In respect of all term loans (including agricultural term loans, retail and crop loans), all commercial banks (including regional rural banks, small finance banks and local area banks), co-operative banks, all-India Financial Institutions, and NBFCs (including housing finance companies) ("lending institutions") are permitted to grant a moratorium of three months on payment of all instalments<sup>1</sup> falling due between March 1, 2020 and May 31, 2020. The repayment schedule for such loans as also the residual tenor, will be shifted across the board by three months after the moratorium period. Interest shall continue to accrue on the outstanding portion of the term loans during the moratorium period.

<sup>1</sup> Instalments will include the following payments falling due from March 1, 2020 to May 31, 2020: (i) principal and/or interest components; (ii) bullet repayments; (iii) Equated Monthly instalments; (iv) credit card dues.

3. In respect of working capital facilities sanctioned in the form of cash credit/overdraft ("CC/OD"), lending institutions are permitted to defer the recovery of interest applied in respect of all such facilities during the period from March 1, 2020 upto May 31, 2020 ("deferment"). The accumulated accrued interest shall be recovered immediately after the completion of this period.

**(ii) Easing of Working Capital Financing**

4. In respect of working capital facilities sanctioned in the form of CC/OD to borrowers facing stress on account of the economic fallout of the pandemic, lending institutions may recalculate the 'drawing power' by reducing the margins and/or by reassessing the working capital cycle. This relief shall be available in respect of all such changes effected up to May 31, 2020 and shall be contingent on the lending institutions satisfying themselves that the same is necessitated on account of the economic fallout from COVID-19. Further, accounts provided relief under these instructions shall be subject to subsequent supervisory review with regard to their justifiability on account of the economic fallout from COVID-19.

**Classification as Special Mention Account (SMA) and Non-Performing Asset (NPA)**

5. Since the moratorium/deferment/recalculation of the 'drawing power' is being provided specifically to enable the borrowers to tide over economic fallout from COVID-19, the same will not be treated as concession or change in terms and conditions of loan agreements due to financial difficulty of the borrower under paragraph 2 of the Annex to the Reserve Bank of India (Prudential Framework for Resolution of Stressed Assets) Directions, 2019 dated June 7, 2019 ("Prudential Framework"). Consequently, such a measure, by itself, shall not result in asset classification downgrade.

6. The asset classification of term loans which are granted relief as per paragraph 2 shall be determined on the basis of revised due dates and the revised repayment schedule. Similarly, working capital facilities where relief is provided as per paragraph 3 above, the SMA and the out of order status shall be evaluated considering the

application of accumulated interest immediately after the completion of the deferment period as well as the revised terms, as permitted in terms of paragraph 4 above.

7. The rescheduling of payments, including interest, will not qualify as a default for the purposes of supervisory reporting and reporting to Credit Information Companies (CICs) by the lending institutions. CICs shall ensure that the actions taken by lending institutions pursuant to the above announcements do not adversely impact the credit history of the beneficiaries.

#### **Other Conditions**

8. Lending institutions shall frame Board approved policies for providing the above-mentioned reliefs to all eligible borrowers, *inter alia*, including the objective criteria for considering reliefs under paragraph 4 above and disclosed in public domain.

9. Wherever the exposure of a lending institution to a borrower is ₹5 crore or above as on March 1, 2020, the bank shall develop an MIS on the reliefs provided to its borrowers which shall *inter alia* include borrower-wise and credit-facility wise information regarding the nature and amount of relief granted.

10. The instructions in this circular come into force with immediate effect. The Board of Directors and the key management personnel of the lending institutions shall ensure that the above instructions are properly communicated down the line in their respective organisations, and clear instructions are issued to their staff regarding their implementation.

Yours faithfully,

(Saurav Sinha)  
Chief General Manager-in-Charge



(48)

**IN THE HON'BLE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

**Interim Relief Application..... 2020**

**IN**

**WRIT PETITION NO.                      OF 2020 (PIL)**

(Under Article 226 of the Constitution of India)

(District: Dehradun)

Manmohan Kandwal and Others

....Petitioners

Versus

State of Uttarakhand and Others

...Respondents

To,

Hon'ble the Chief justice and his other companion Judges  
of the aforesaid court.

The humble petition of the aforesaid petitioner most  
respectfully showeth as under:-

1. That the detailed facts are pleaded in the writ petition and  
for the sake of brevity it is humbly prayed that they may  
be treated as part of this application.
  
2. That in the facts and circumstances of the case this  
Hon'ble Court may be pleased to direct the respondents to  
provide immediate financial and other assistance to the





advocates in the State of Uttarakhand who are suffering severe loss of livelihood and life due to the effect of containment measures against COVID- 19.

**PRAYER**

It is, therefore Most respectfully prayed that this Hon'ble court may be pleased to:

- A. Provide a subsistence allowance of Rs. 10,000/- or above to every advocate on the roll of Bar Council of Uttarakhand.
- B. Provide a subsistence allowance of Rs. 5,000/- or above to every registered advocate clerk in the state of Uttarakhand.
- C. Provide free legal medical aid to be given to the advocates in the State of Uttarakhand who report themselves on suspicion of COVID-19.
- D. Direct the respondent no. 1 to ensure that all advocates living in tenanted premises are not charged rent from respective landlords for tenanted accommodation for the period of March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.



E. Direct respondent no. 1 and its agencies not to charge electricity and water charges from any advocate for the period March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.

F. Direct respondent no. 1 to instruct all the schools in the state not to charge school fees for their wards for the period March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.

G. Direct respondent no. 1 to allow advocates to travel for attending remand case/ urgent case to district court or jail premises in the districts in the state of Uttarakhand.

H. Direct respondent no. 1 to exempt President and Secretary of the District Bar Associations and High Court Bar Associations from vehicular or other travel restrictions for meeting District and State authorities.



- I. Direct respondent no. 4 to frame guidelines for minimum standards of relief to be provided to all the affected advocates under Section 12 of Disaster Management Act, 2005.
- J. Direct respondent no. 4 to pass orders under Section 13 to provide relief in loan repayment in the form of stoppage of accrual of interest as well as repayment installments for the period March- May, 2020 or any further period during which lockdown in the state of Uttarakhand remains effective.
- K. Pass any other suitable order or direction which this Hon'ble court may deem fit and proper in the circumstances of the case.

Dated: 17/04/2020

(Dr. Kartikey Hari Gupta) (Pallavi Bahuguna)(Vikas Bahuguna)  
Advocates  
Counsels for the Petitioners



**IN THE HON'BLE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

**Exemption Application No. .... 2020**

**IN**

**WRIT PETITION NO. OF 2020 (PIL)**

**(Under Article 226 of the Constitution of India)**

**(District: Dehradun)**

**Manmohan Kandwal and Others**

**....Petitioners**

**Versus**

**State of Uttarakhand and Others**

**...Respondents**

**To,**

Hon'ble the Chief justice and his other companion  
Judges of the aforesaid court.

The humble petition of the aforesaid petitioner most  
respectfully showeth as under:-

1. That due to the extreme measures of social distancing petitioner is unable to reach Nainital and sign the documents and affidavit. He has perused the contents of petition sent to him through email. Petitioner acknowledges that all parts of the petition are true to the best of his knowledge of which he has written a letter of acknowledgement to his counsel. Under these circumstances it is humbly prayed that the requirement of filing the affidavit along with the writ petition be dispensed with. Petitioner undertakes that after the



notification dated 11-04-2020 (pertaining to e-filing) ceases to have effect the petitioner shall file the affidavit along with hard copies of petition and annexures as per the High Court Rules.

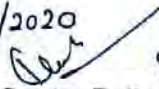
2. That due to the lockdown measures payment of court fees in usual manner is not possible there is no procedure to pay court fees online. Hence, it is humbly prayed to this Hon'ble Court that the matter maybe heard without payment of court fees and the petitioner undertakes to deposit due court fees and submit the proof within three days from the day the notification dated 11-04-2020 will cease to have effect.

**PRAYER**

It is, therefore, most respectfully prayed that –

- (a) The petitioner maybe exempted from filing hard copies of petition and annexures and proof of payment of court fees.
- (b) Pass any other suitable order.

Dated: 17/04/2020

  
(Dr. Kartikey Hari Gupta, Pallavi Bahuguna) (Vikas Bahuguna)  
Advocates  
Counsels for the Petitioners

That due to lockdown and the circumstances arising therefrom requirement of filing the affidavit be dispensed with.

That I have perused the summary, urgency application as well as all the contents of writ petition and they are admitted to me as a petitioner.

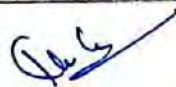
I authorised my advocate Dr. Kartikey Hari Gupta and Mr. Vikas Bahuguna to file present summary, urgent application, writ petition before this Hon'ble Court.

I undertake to file physical affidavit as per the rules of high court as soon as the notification dated 11.03.2020 pertaining to e-filing shall cease to have effect.



(MAHESH KUMAR)

Advocate  
President Bar Association  
Dehradun.



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(55)

That due to the lockdown and the circumstances arising therefrom requirement of filing the affidavit be dispensed with.

That I have perused the summary, urgency application as well as all the contents of writ petition and they are admitted to me as a petitioner.

I authorized my advocate Dr. Kartikey Hari Gupta and Mr. Vikas Bahuguna to file present summary, urgency application, writ petition before this Hon'ble Court.

I undertake to file physical affidavit as per the rules of high court as soon as the notification dated 11.03.2020 pertaining to e-filing shall cease to have effect.

Sd/-

(Manmohan Kandwal)

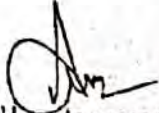
Advocate

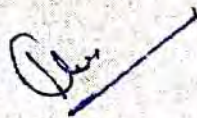
President Bar Association Dehradaun

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That due to lockdown and the circumstances arising therefrom requirement of filing the affidavit be dispensed with.

That I have perused the summary, urgency application as well as all the contents of writ petition and they are admitted to me as petitioner I authorized by advocates Dr. Kartikey Hari Gupta and Mr. Vikas Bahuguna to file present summary, urgent application, writ petition before this Hon'ble Court. I undertake to file physical affidavit as per the rules of High Court as soon as the notification dated 11.03.2020 pertaining to e-filing shall cease to have effect.

  
(Anil Kumar Sharma)  
Secretary Bar Association  
Dehradun.





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That due to lockdown and the circumstance arising therefrom requirement of filing the affidavit be dispensed with.

That I have perused the summary, urgency application as well as all the contents of writ petition and they are admitted to me as petitioner.

I authorized by advocates Dr. Kartikey Hari Gupta and Mr. Vikas Bahuguna to file present summary, urgent application, writ petition before this Hon'ble Court. I undertake to file physical affidavit as per the rules of high court as soon as the notification dated 11.03.2020 pertaining to e-filing shall cease to have effect.

Sd/-

Anil Kumar Sharma  
Secretary Bar Association  
Dehradun

That due to the lockdown and the circumstances arising there from requirement of filing the affidavit be dispensed with.

That I have perused the summary, urgency application as well as all the contents of writ petition and they are admitted to me as petitioner.

I authorized my advocates Dr. Kartikey Hari Gupta and Mr. Vikas Bahuguna to file present summary, urgent application, writ petition before this Hon'ble Court.

I undertake to file physical affidavit as per the rule of high court as well as the notification dated 11/03/2020 pertaining to e-filing shall cease to have effect.



Mukesh Singh Rawat

Dated 17/04/2020



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Government of India



मनमोहन कँडवाल

Manmohan Kandwal

पिता : जगदीश प्रसाद कँडवाल

Father : Jagdish Prasad Kandwal

जन्म तिथि / DOB : 26/01/1968

पुरुष / Male



4440 2752 0991

आधार - आम आदमी का अधिकार

*Handwritten signature*



भारतीय विनाशक पहचान प्राधिकरण

Unique Identification Authority of India

60

पता:

५८६ ब्रह्मपुरी, निरंजनपुर, पो०  
माजरा, माजरा, माजरा, देहरादून,  
उत्तराखंड, 248171

Address:

586 BRAHMPURI,  
NIRANJANPUR, PO.MAJRA,  
Majra, Majra, Dehradun,  
Uttarakhand, 248171

**4440 2752 0991**



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भारत सरकार

Government of India

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अनिल कुमार शर्मा

Anil Kumar Sharma

जन्म तिथि / DOB : 23/06/1971

पुरुष / Male

*Dev*



5533 5928 5999

आधार - आम आदमी का अधिकार



भारतीय विशिष्ट पहचान प्राधिकरण

Unique Identification Authority of India

(62)

पता:

आत्मज: बृज मोहन शर्मा, 64, ओम  
विहार, माता मंदिर रोड, अजबपुर  
कलां, देहरादून, अजबपुर, उत्तराखंड,  
248121

Address:

S/O: Brij Mohan Sharma, 64, om  
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Kalan, Dehradun, Ajabpur,  
Uttarakhand, 248121

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*Signature*



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**HIGH COURT BAR ASSOCIATION**  
**HIGH COURT OF UTTARAKHAND,**  
**NAINITAL**



**Mukesh Singh Rawat**  
**S/o Awatar Singh Rawat**

**Bharat Bhawan, Near G.M.V.N.**  
**Gairsain, Chamoli, U.K.**

**Bar Council No.: U.K.- 445/2013**

*M.C. Pant*  
**M.C. Pant**  
**President**

*Vijay Pal Singh*  
**Vijay Pal Singh**  
**Secretary**

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*[Handwritten signature]*