

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF MAY, 2020

PRESENT

THE HON'BLE MR.ABHAY S. OKA, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE B.V. NAGARATHNA

WRIT PETITION NO.6695 OF 2020 (GM-RES-PIL)

C/W

WRIT PETITION NO.6696 OF 2020 (GM-RES-PIL)

IN W.P. NO.6695 OF 2020:

BETWEEN

1 . SRI. H C SHIVARAMU
ADVOCATE,
FORMER CHAIRMAN,
KARNATAKA STATE BAR COUNCIL
AND FORMER PRESIDENT,
ADVOCATES' ASSOCIATION,
NO. 14/19, 1ST FLOOR,
2ND MAIN, V BLOCK,
KUMARA PARK WEST,
BENGALURU 560020

...PETITIONER

(By SHRI H.C.SHIVARAMU, PARTY-IN-PERSON)

AND:

1 . UNION OF INDIA
BY ITS SECRETARY,
DEPARTMENT OF LAW AND
PARLIMENTARY AFFAIRS,
ROOM NO 86B, PARLIAMENT BHAVAN,
NEW DELHI 110001.
REP BY ITS SECRETARY,

2 . GOVERNMENT OF KARNATAKA
 DEPARTMENT OF KARNATAKA,
 DEPARTMENT OF LAW AND
 PARLIAMENTARY AFFAIRS,
 VIDHANA SOUDHA,
 BENGALURU 560001.
 REP BY ITS CHIEF SECRETARY

3 . BAR COUNCIL OF INDIA
 NO. 21, ROUSE AVENUE,
 INSTITUTIONAL AREA,
 NEAR BAL BHAVAN,
 NEW DELHI 110002,
 REP BY ITS SECRETARY

4 . KARNATAKA STATE BAR COUNCIL
 OLD CHIEF ELECTION COMMISSION OFFICE,
 ADJ. TO PRESS CULB, DR. AMBEDKAR VEEDHI,
 BENGALURU 560001,
 REP BY ITS SECRETARY

5 . BAR COUNCIL OF INDIA ADVOCATES
 WELFARE FUNDS COMMITTEE
 NO. 21, ROUSE AVENUE,
 INSTITUTIONAL AREA,
 NEAR BAL BHAVAN,
 NEW DELHI 110002,
 REP BY ITS SECRETARY,

6 . KARNATAKA ADVOCATES'
 WELFARE FUND TRUSTEE COMMITTEE
 OLD CHIEF ELECTION COMMISSION OFFICE,
 ADJ. TO PRESS CLUB,
 DR. AMBEDKAR VEEDHI,
 BENGALURU 560001,
 REP BY ITS SECRETARY,

...RESPONDENTS

(By SHRI M.B.NARAGUND, ASG ALONG WITH
 SHRI M.N.KUMAR, CGC FOR R-1;
 SHRI DHYAN CHINNAPPA, AAG ALONG WITH
 SHRI VIKRAM HUILGOL, AGA, FOR R-2;
 SHRI JAYAKUMAR S.PATIL, SENIOR ADVOCATE
 ALONG WITH SHRI J.N.ANILKUMAR, ADVOCATE
 FOR R-4;
 SHRI SRIDHAR PRABHU, ADVOCATE FOR R-3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER WRIT IN THE SAME NATURE DIRECTING THE RESPONDENT NO.5 TO PROVIDE EX GRATIA PAYMENT TO THE TUNE OF RS.50,000/- TO EACH MEMBER/ADVOCATE ON THE ROLL OF THIS STATE BAR COUNCIL WHO ARE FACING FINANCIAL HARDSHIP EXCEPT ADVOCATE/S THOSE WHO HAVE ENROLLED AFTER THE AGE OF 40 YEARS OR RETIRED FROM THE SERVICE, AND ETC.

WP NO 6696 OF 2020

BETWEEN

1 . SRI. ANANTHARAJU B G
ADVOCATE, KAR-1264/2015
R/AT NO.349, 4TH CROSS, BAGALAGUNTE, BENGALURU-560073.

2 . SRI. CHALUVARAJU B.C
ADVOCATE, KAR-228/2015, R/AT NO.4-6, 42ND MAIN ROAD,
NEAR RAJARAJESHARI, TEMPLE, RAJARAJESHWAR5I
NAGAR, BENGALURU-560098.

...PETITIONERS

(BY SHRI ANANTHARAJU B G, PARTY-IN-PERSON [P-1])

AND

1 . KARNATAKA STATE BAR COUNCIL
REPRESENTED BY ITS CHAIRMAN OR SECRETARY
OLD ELECTION COMMISSION BUILDING,
DR.AMBEDKAR VEEDHI,
BENGALURU-560001.

2 . BAR COUNCIL OF INDIA
REPRESENTED BY ITS CHAIRMAN OR SECRETARY
21, ROUSE AVENUE
INSTITUTIONAL AREA,
NEAR BAL BHAWAN,
NEW DELHI-110002.

3 . ADVOCATE GENERAL
STATE OF KARNATAKA
HIGH COURT BUILDING, AMBEKDAR VEEDHI,
BENGALURU-560001.

4 . MINISTRY OF LAW
REPRESENTED BY ITS PRINCIPAL SECRETARY
STATE OF KARNATAKA
VIDHANA SOUDHA, AMBEKDAR VEEDHI,
BENGALURU-560001.

5 . CHIEF SECRETARY
STATE OF KARNATAKA
VIDHANA SOUDHA, AMBEKDAR VEEDHI,
BENGALURU-560001.

6 . ADVOCATES ASSOCIATION
BENGALURU
REPRESENTED BY ITS PRESSIDENT
OR SECRETARY,
VAKIOLARA BHAVANA,
CITY CIVIL COURT COMPOUND,
KEMPEGOWDA ROAD,
BENGALURU-560009.

7 . KARNATAKA STATE JUNIOR
ADVOCATES ASSOCIATION
REPRESENTED BY ITS PRESIDENT
OR SECRETARY,
NO.11, FIRST FLOOR,
JEEVAN BUIDLINGS, KUMARAPARK EAST,
BENGALURU 560001.

8 . DISTRICT BAR ASSOCIATION,
BAGALKOT
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
BAGALKOT.

9 . DISTRICT BAR ASSOCIATION
BELGAUM
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
BELGAUM.

10 . DISTRCT BAR ASSOCIATION
BELLARY
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
BELLARY.

11 . DISTRICT BAR ASSCOIATION
BIDAR
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
BIDAR.

12 . DISTRICT BAR ASSOCIATION
VIJAYAPUR
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
VIJAYAPUR.

13 . DISTRICT BAR ASSOCIATION
CHAMARAJANAGARA,
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
CHAMARAJANAGARA.

14 . DISTRICT BAR ASSOCIATION
CHIKKABALLAPUR
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
CHIKKABALLAPUR.

15 . DISTRCT BAR ASSOCIATION
CHIKKAMAGALUR
REPRESENTED BY ITS PRESIDENT,
DISTRICT COURT COMPLEX,
CHIKKAMAGALUR.

16 . DISTRICT BAR ASSOCIATION
CHITRADURGA
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
CHITRADURGA

17 . DISTRICT BAR ASSOCIATION
DHAKSHINA KANNADA
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX, DAKSHINA KANNADA

18 . DISTRICT BAR ASSOCIATION
DAVANAGERE
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
DAVANAGERE

19 . DISTRICT BAR ASSOCIATION
DHARWAD
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
DHARWAD

20 . DISTRICT BAR ASSOCIATION
GADAG
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
GADAG

21 . DISTRICT BAR ASSOCIATION
KALBURGI
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
KALBURGI

22 . DISTRICT BAR ASSOCIATION
HASSAN
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
HASSAN

23 . DISTRICT BAR ASSOCIATION
HAVERI
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
HAVERI

24 . DISTRICT BAR ASSOCIATION
KODAGU
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
KODAGU

25 . DISTRICT BAR ASSOCIATION
KOLAR
REPRESENTED BY ITS PRESIDENT

DISTRICT COURT COMPLEX
KOLAR

26 . DISTRICT BAR ASSOCIATION
KOPPAL
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
KOPPAL

27 . DISTRICT BAR ASSOCIATION
MANDYA
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
MANDYA

28 . DISTRICT BAR ASSOCIATION
MYSURU
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
MYSURU

29 . DISTRICT BAR ASSOCIATION
RAICHUR
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
RAICHUR

30 . DISTRICT BAR ASSOCIATION
RAMANAGAR
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
RAMANAGAR

31 . DISTRICT BAR ASSOCIATION
SHIVAMOGGA
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
SHIVAMOGGA

32 . DISTRICT BAR ASSOCIATION
TUMAKURU
REPRESENTED BY ITS PRESIDENT
DISTRICT COURT COMPLEX
TUMAKURU

43 . BAR ASSOCIATION
BANAHATTI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX
BANAHATTI

44 . BAR ASSOCIATION DEVANAHALLI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX
DEVANAHALLI

45 . BAR ASSOCIATION
NELAMANGALA
DREPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, NELAMANGALA

46 . BAR ASSOCIATION
DODDABALLAPUR
DREPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
DODDABALLAPUR

47 . BAR ASSOCIATION
HOSAKOTE
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
HOSAKOTE

48 . BAR ASSOCIATION
ANEKAL
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
ANEKAL

49 . BAR ASSOCIATION
ATHANI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
ATHANI

50 . BAR ASSOCIATION
BAILAHONGALA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
BAILAHONGALA

51 . BAR ASSOCIATION
CHIKKODI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
CHIKKODI

52 . BAR ASSOCIATION GOKAK
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
GOKAK

53 . BAR ASSOCIATION
HUKKERI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX, HUKKERI

54 . BAR ASSOCIATION
KHANAPUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KHANAPUR

55 . BAR ASSOCIATION
KITUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KITUR

56 . BAR ASSOCIATION
RAYABAG
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
RAYABAG

57 . BAR ASSOCIATION
RAMADURGA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
RAMADURGA

58 . BAR ASSOCIATION
SAVADATTI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SAVADATTI

59 . BAR ASSOCIATION
NIPPANI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
NIPPANI

60 . BAR ASSOCIATION
SANKESHWARA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SUNKESHWARA

61 . BAR ASSOCIATION
HOSAPET
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
HOSAPET

62 . BAR ASSOCIATION HOOVINA
HADAGALI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
HOOVINA HADAGALI

63 . BAR ASSOCIATION
KUDLIGI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
KUDLIGI

64 . BAR ASSOCIATION
SANDURU
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SANDURU

65 . BAR ASSOCIATION
SIRAGUPPA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SIRAGUPPA,

66 . BAR ASSOCIATION
HAGARIBOMMANAHALLI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX, HAGARIBOMMANAHALLI

67 . BAR ASSOCIATION
KURUGODU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KURUGODU

68 . BAR ASSOCIATION
BASAVAKALYANA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BASAVAKALYANA

69 . BAR ASSOCIATION
BHALKI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BHALKI

70 . BAR ASSOCIATION
HUMNABAD
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HUMNABAD

71 . BAR ASSOCIATION
AURAD
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
AURAD

72 . BAR ASSOCIATION
CHITAGUPPA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHITAGUPPA

73 . BAR ASSOCIATION
INDI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
INDI

74 . BAR ASSOCIATION
SINDAGI
REPRESENTED BY ITS PRESIDENT

COURT COMPLEX,
SINDAGI

75 . BAR ASSOCIATION
BASAVANA BAGEWADI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BASAVANA BAGEWADI

76 . BAR ASSOCIATION
MUDDEBIHAL
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MUDDEBIHAL

77 . BAR ASSOCIATION
BABALESHWAR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BABALESHWAR

78 . BAR ASSOCIATION
CHADACHANA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHADACHANA

79 . BAR ASSOCIATION
TALIKOTE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
TALIKOTE

80 . BAR ASSOCIATAION
GUNDLUPET
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
GUNDLUPET

81 . BAR ASSOCIATAION KOLLEGAL
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KOLLEGAL

82 . BAR ASSOCIATAION
YELANDUR

REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
YELANDUR

83 . BAR ASSOCIATAION
BAGEPALLI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BAGEPALLI

84 . BAR ASSOCIATION
GUDIBANDA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
GUDIBANDA

85 . BAR ASSOCIATION
CHINTAMANI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHINTAMANI

86 . BAR ASSOCIATION
GOURIBIDANURU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
GOURIBIDANUR

87 . BAR ASSOCIATION SIDLAGHATTA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SIDLAGHATTA

88 . BAR ASSOCIATAION KADUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KADUR

89 . BAR ASSOCIATION KOPPA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX, KOPPA

90 . BAR ASSOCIATION MUDIGERE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MUDIGERE

91 . BAR ASSOCIATION NARASIMHARAJAPURA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
NARASIMHARAJAPURA

92 . BAR ASSOCIATION SRINGERI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SRINGERI

93 . BAR ASSOCIATION TARIKERE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
TARIKERE.

94 . BAR ASSOCIATION CHALLAKERE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHALLAKERE

95 . BAR ASSOCIATION HIRIYUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HIRIYUR

96 . BAR ASSOCIATION HOLALKERE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HOLALKERE

97 . BAR ASSOCIATION HOSADURGA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HOSADURGA

98 . BAR ASSOCIATION MOLAKALMURU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MOLAKALMURU

99 . BAR ASSOCIATION BANTWALA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BANTWALA

100 . BAR ASSOCIATION BELATHANGADI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BELTHANGADI

101 . BAR ASSOCIATION MANGALURU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MANGALURU

102 . BAR ASSOCIATION PUTTUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
PUTTUR

103 . BAR ASSOCIATION SULTA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SULTA

104 . BAR ASSOCIATION CHANNAGIRI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHANNAGIRI

105 . BAR ASSOCIATION HARIHAR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HARIHAR

106 . BAR ASSOCIATION HARAPPANAHALLI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HARAPPANAHALLI

107 . BAR ASSOCIATION HONNALI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HONNALI

108 . BAR ASSOCIATION JAGALUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
JAGALUR

109 . BAR ASSOCIATION HUBLI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HUBLI

110 . BAR ASSOCIATION KALAGHATAGTI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KALAGHATAGI

111 . BAR ASSOCIATION KUNDAGOL
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KUNDAGOL

112 . BAR ASSOCIATION NAVALAGUNDA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
NAVALAGUNDA

113 . BAR ASSOCIATION BETIGERI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BETIGERI

114 . BAR ASSOCIATION MUNDARAGI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MUNDARAGI

115 . BAR ASSOCIATION NARAGUNDA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
NARAGUNDA

116 . BAR ASSOCIATION RONA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
RONA

117 . BAR ASSOCIATION SHIRAHATTI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SHIRAHATTI

118 . BAR ASSOCIATION GAJENDRAGHADA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
GAJENDRAGHADA

119 . BAR ASSOCIATION LAKSMESHWARA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
LAKSHMEWARA

120 . BAR ASSOCIATION AFAZALPUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
AFAZALPUR

121 . BAR ASSOCIATION ALANDA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
ALANDA

112 . BAR ASSOCIATION CHINCHOLI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHINCHOLI

123 . BAR ASSOCIATION CHITTAPUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHITTAPUR

124 . BAR ASSOCIATION JEVARGI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
JEVARGI

125 . BAR ASSOCIATION SEDAM
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SEDAM

126 . BAR ASSOCIATION KALAGI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KALAGI

127 . BAR ASSOCIATION YADRAMI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
YADRAMI

128 . BAR ASSOCIATION VODAGERA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
VODAGERA

129 . BAR ASSOCIATION GURUMITKAL
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
GURUMITKAL

130 . BAR ASSOCIATION HUNISIGI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HUNISIGI

131 . BAR ASSOCIATION SHAHBAD
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SHAHBAD

132 . BAR ASSOCIATION ALUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
ALUR

133 . BAR ASSOCIATION ARAKALAGUDU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
ARAKALAGUDU

134 . BAR ASSOCIATION ARASIKERE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
ARASIKERE

135 . BAR ASSOCIATION BELURU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BELUR

136 . BAR ASSOCIATION CHANNARAYAPATNA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
CHANNATAYAPATNA

137 . BAR ASSOCIATION HOLENARASIPURA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HOLE NARASIPURA

138 . BAR ASSOICATION SAKALESHAPURA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SAKALESHAPURA

139 . BAR ASSOCIATION BYADAGI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BYADAGI

140 . BAR ASSOCIATION HANAGAL
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HANAGAL

141 . BAR ASSOCIATION HIREKERUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HIREKERUR

142 . BAR ASSOCIATION RANIBENNURU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
RANIBENNURU

143 . BAR ASSOCIATION SAVANUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SAVANUR

144 . BAR ASSOCIATION SHIGGAON
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SHIGGAON

145 . BAR ASSOCIATION SOMAVARAPETE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SOMAVARAPETE

146 . BAR ASSOCIATION VIRAJPETE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
VIRAJAPETE

147 . BAR ASSOCIATION BANGARAPETE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
BANGARAPETE

148 . BAR ASSOCIATION MALUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MALUR

149 . BAR ASSOCIATION MULABAGAL
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MULABAGAL

150 . BAR ASSOCIATION SRINIVASAPURA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SRINIVASAPURA

151 . BAR ASSOCIATION K.G.F.
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
K.G.F

152 . BAR ASSOCIATION GANGAWATI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
GANGAWATI

153 . BAR ASSOCIATION KUSHTAGI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KUSHTAGI

154 . BAR ASSOCIATION YELABURGA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
YELABURGA

155 . BAR ASSOCIATION KARATAGI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KARATAGI

156 . BAR ASSOCIATION KRISHNARAJAPETE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KRISHNARAJAPETE

157 . BAR ASSOCIATION MADDUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MADDUR

158 . BAR ASSOCIATION MALAVALLI
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
MALAVALLI

159 . BAR ASSOICATION NAGAMANGALA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
NAGAMANGALA

160 . BAR ASSOCIATION PANDAVAPURA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
PANDAVAPURA

161 . BAR ASSOCIATION SHRIRANGAPATTANA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
SRIRANGAPATTANA

162 . BAR ASSOCIATION HEGGADADEVANA KOTE
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HEGGADADEVANA KOTE

163 . BAR ASSOCIATION HUNASUR
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
HUNASUR

164 . BAR ASSOCIATION KRISHNARAJANAGARA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
KRISHNARAJANAGARA

165 . BAR ASSOCIATION NANJANAGUDU
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
NANJANAGUDU

166 . BAR ASSOCIATION PIRIYAPATNA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
PIRIYAPATNA

167 . BAR ASSOICATION T NARASIPURA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
T. NARASIPURA

168 . BAR ASSOCIATION DEVADURGA
REPRESENTED BY ITS PRESIDENT
COURT COMPLEX,
DEVADRUGA

169 . BAR ASSOCIATION LINGASUGURU
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
LINGASUGURU

170 . BAR ASSOCIATION MANVI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
MANVI

171 . BAR ASSOCIATION SINDHANUR
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SINDHANURU

172 . BAR ASSOCIATION MASKI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
MASKI

173 . BAR ASSOCIATION MAGADI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
MAGADI

174 . BAR ASSOCIATION KANAKAPURA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
KANAKAPURA

175 . BAR ASSOCIATION CHANNAPATNA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
CHANNAPATNA

176 . BAR ASSOICATION BHADRAVATI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, BHADRAVATI

177 . BAR ASSOICATION HOSANAGARA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, HOSANAGAR

178 . BAR ASSOCIATION SAGARA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, SAGARA

179 . BAR ASSOCIATION SHIKARIPURA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SHIKARIPURA

180 . BAR ASSOICATION SORABA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, SORABA

181 . BAR ASSOICATION THIRTHAHALLI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
THIRTHAHALLI

182 . BAR ASSOICATION SHIRALAKOPPA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SHIRALAKOPPA

183 . BAR ASSOCIATION CHIKKANAYAKANAHALLI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
CHIKKANAYAKANAHALLI

184 . BAR ASSOICATION GUBBI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, GUBBI

185 . BAR ASSOCIATION KORATAGERE
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
KORATAGERE

186 . BAR ASSOICATION KUNIGAL
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, KUNIGAL

187 . BAR ASSOICATION MADHUGIRI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, MADHUGIRI

188 . BAR ASSOCIATION PAVAGADA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, PAVAGADA

189 . BAR ASSOCIATION SIRA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, SIRA

190 . BAR ASSOCIATION TIPTUR
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX, TIPTUR

191 . BAR ASSOCIATION TURUVEKERE
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
TURUVEKERE

192 . BAR ASSOCIATION BRAHMAVARA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
BRAHMAVARA

193 . BAR ASSOCIATION KARKALA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
KARKALA

194 . BAR ASSOCIATION
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
KUNDAPURA

195 . BAR ASSOCIATION BYNDOOR
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
BYNDOOR

196 . BAR ASSOCIATION MODABIDARI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
MOODABIDARI

197 . BAR ASSOCIATION ANKOLA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
ANKOLA

198 . BAR ASSOCIATION BHATKALA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
BHATKALA

199 . BAR ASSOCIATION HALIYALA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
HALIYALA

200 . BAR ASSOCIATION HONNAVARA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
HONNAVARA

201 . BAR ASSOCIATION JOIDA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
JOIDA

202 . BAR ASSOCIATION KARWAR
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
KARWAR

203 . BAR ASSOCIATION KUMTA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
KUMTA

204 . BAR ASSOCIATION MUNDAGOD
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
MUNDAGOD

205 . BAR ASSOCIATION SIDDAPURA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SIDDAPURA

206 . BAR ASSOCIATION SIRSI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SIRSI

207 . BAR ASSOCIATION YELLAPURA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
YELLAPURA

208 . BAR ASSOCIATION DANDELI
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
DANDELI

209 . BAR ASSOCIATION SHORAPUR
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SHORAPURA

210 . BAR ASSOCIATION SHAHAPURA
REPRESENTED BY ITS PRESIDENT,
COURT COMPLEX,
SHAHAPURA

211 . NYAYAMITRA SAHAKARA BANK
REPRESENTED BY ITS PRESIDENT/CHAIRMAN
BASEMENT, HIGH COURT BUILDING,
AMBEDKAR VEEDHI,
BENGALURU-560001.

**(NOTE: The serial numbers of the respondents
have been typed as has been typed in the
memorandum of the writ petition)**

...RESPONDENTS

(BY SHRI JAYAKUMAR S.PATIL, SENIOR COUNSEL
ALONG WITH SHRI J.M.ANILKUMAR, ADVOCATE FOR R-1;
SHRI SHRIDHAR PRABHU, ADVOCATE FOR R-2;
SHRI M.DHYAN CHINNAPPA, AAG ALONG WITH
SHRI VIKRAM HUILGOL, AGA FOR R-3 TO R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
TAKE COGNIZANCE OF THIS SITUATION WHERE THE
CONCERNED MEMBERS OF THE DIFFERENT BARS ACROSS
THE STATE OF KARNATAKA ARE ON THE VERGE OF
STARVATION AND THE ISSUE IN HAND CONCERNS THE
LIFE AND LIBERTY OF OUR LEARNED BROTHERS ACROSS
STATE INCLUDING ADVOCATE CLERKS, AND ETC.

THESE PETITIONS COMING ON FOR FURTHER
HEARING THIS DAY, **CHIEF JUSTICE** MADE THE
FOLLOWING:

ORDER

COVID-19 has adversely affected all the sections of the society. This Court is dealing with a public interest litigation where the issue is about supply of food and necessities of life to migrant workers, people on the streets, marginalized sections of the society like daily wage workers who are completely deprived of their income, trans-genders, sex workers, etc. The petition is pending and we have issued various directions from time to time.

2. By way of these two writ petitions, now we are dealing with another category of citizens who are claiming to be affected by COVID-19. The said category is of members of the legal profession.

3. It is pointed out that as a result of the initial closure of the Courts and subsequent partial resumption of the Court work, the members of the legal fraternity are not getting income. W.P. No.6695 of 2020 is filed by a member of the Bar where the first prayer is to direct the fifth respondent-Bar Council of India Advocates Welfare Fund Committee (for short, "BCI Welfare Fund") to provide *ex-gratia* payment to

the tune of Rs.50,000/- (rupees fifty thousand only) to each member/advocate on the roll of Karnataka State Bar Council (for short, "KSBC) who are facing financial hardship, except the advocates who have enrolled after the age of 40 years. The second prayer is to direct the State Government as well as the Central Government to immediately release sufficient fund of Rs.50,00,00,000/- (rupees fifty crores only) to KSBC to enable it to provide financial assistance to the advocates who are members of the Welfare Fund, at the earliest, since the total number of advocates is over 70,000. The next prayer is to direct KSBC to release a sum of Rs.10,00,00,000/- (rupees ten crores only) out of BCI Welfare Fund and Bar Council of India Trust. The last prayer is to direct the fifth respondent to release a sum of Rs.25,00,00,000/- (rupees twenty five crores only) out of Karnataka State Advocates Welfare Fund immediately.

4. So far as W.P. No.6696 of 2020 is concerned, the prayer made by the petitioners who are the members of the Bar, is essentially to issue directions to help legal practitioners who are on the verge of starvation. Sweeping directions have been sought in the said petition.

5. The petitioner who is appearing in person in W.P. No.6695 of 2020 has invited our attention to three schemes of BCI which are annexed as Annexures-E, F and G. He invited our attention to the order passed by the High Court of Uttarakhand dealing with the same issue. He pointed out an order of the Allahabad High court which records the statement of the Chairman of BCI that assistance of an amount which is not more than Rs.1,00,00,000/- (rupees one crore only) will be extended to all State Bar Councils by BCI. Essentially, his submission is that KSBC cannot restrict the aid only to those advocates who have a practice of less than ten years, and the relief has to be extended to all those advocates who are in distress and who have completed more than ten years of practice. His submission is that, as done by the High Court of Uttarakhand, a Committee be constituted under the leadership of the learned Advocate General of the State. He submits that a direction can be issued to release the funds out of Karnataka State Advocates Welfare Fund, as it is the money of the members of the Bar.

6. On behalf of the petitioners in W.P. No.6696 of 2020, the prayers are more or less similar. Our attention is invited to a letter dated 6th April, 2020 issued by KSBC to the Presidents/Secretaries of the Bar Associations. The petitioners are objecting to condition no.3 in the said petition which says that those who have entered the profession after the age of 40 years are not entitled to financial assistance.

7. The learned counsel appearing for BCI states that out of the three schemes which are annexed to W.P. No.6695 of 2020, only the third scheme at Annexure-G is applicable. But, under the said scheme, it is provided that if more than one member of the Bar is affected by a calamity, there is an upper limit of Rs.1,00,000/- (rupees one lakh only) on the release of the funds. He has stated that a sum of Rs.45,00,000/- (rupees forty five lakhs only) has been released by BCI to KSBC for rendering assistance to the needy advocates.

8. The learned senior counsel appearing for KSBC pointed out that KSBC is utilizing the said amount of Rs.45,00,000/- as well as a sum of Rs.2,00,00,000/- (rupees

two crores only) from its own funds to render financial assistance to those advocates who have not completed ten years in the legal profession and those who satisfy the eligibility criterion set out in the letter dated 6th April, 2020 (Annexure-A in W.P. No.6696 of 2020). He also pointed out that a large number of applications have been received by KSBC which are being processed. He states that in case of women advocates, KSBC is considering of relaxation of condition of not practicing for ten years.

9. We have considered the submissions. Firstly, so far as the Karnataka State Advocates Welfare Fund is concerned, it is established under the Karnataka State Advocates Welfare Fund Act, 1983 (for short, "the said Act of 1983"). The reliefs which can be granted to the members of the Welfare Fund are governed by the said Act of 1983. Essentially, a relief can be granted to the advocates only on cessation of practice as provided under Section 16 of the said Act of 1983. Therefore, if assistance is to be granted to the members of Karnataka State Advocates Welfare Fund for dealing with a situation arising due to spread of COVID-19, the State Government will have to amend the said Act of

1983. The petitioners can always make a representation in that behalf.

10. Under sub-section (2) of Section 6 of the Advocates Act, 1961 (for short, “the Advocates Act”), the State Bar Council is empowered to constitute one or more Funds in the prescribed manner for the benefit of the members of the Bar. Even the said funds will be governed by the Advocates Act and the Rules framed thereunder.

11. It is true that several advocates will be affected due to closure of the Courts as a result of COVID-19. It is an accepted position that both the State as well as the Central Governments are facing severe cash crunch. Both the Governments are required to deal with the marginalized sections of the society who are in large numbers and who are deprived of even daily food requirements as a result of COVID-19. Ultimately, it is a matter of policy for the State as well as Central Governments to take a decision of utilization of the limited resources available with both the Governments. The priorities for the use of available resources is also a matter of policy. That is the reason why

we are unable to issue a writ of *mandamus* directing both the Central Government and State Government to release the amounts as prayed for in W.P. No.6695 of 2020. However, this will not preclude both BCI as well as KSBC from approaching the State or Central Government for seeking necessary financial assistance. If such applications are made, both the Governments are bound to decide the same in accordance with law and as expeditiously as possible.

12. Today, as pointed out across the Bar, a sum of Rs.2,45,00,000/- is available with KSBC. It is stated that the amount will be utilized for extending financial help to those needy advocates who satisfy the criterion laid down in the letter dated 6th April, 2020 which we have referred to earlier. KSBC seems to have laid down its own priorities by giving attention to junior members of the Bar who have not completed ten years of practice. As pointed out the learned counsel appearing for BCI, none of the three schemes which are annexed to W.P. No.6695 of 2020 are of assistance to deal with the extraordinary situation created by COVID-19. Even the scheme at Annexure-G has limited utility as there is an upper cap of Rs.1,00,000/-.

13. As noted in the decision rendered by the Allahabad High Court, BCI has agreed to extend help to all State Bar Councils and the upper limit for assistance will be Rs.1,00,00,000/-. Ideally, both BCI and KSBC should extend relief to all advocates who are affected by COVID-19 irrespective of the number of years of legal practice. However, as of today, only a sum of Rs.2,45,00,000/- (rupees two crores forty five lakhs only) is available with KSBC for this purpose. It is stated that there are more than 70,000 advocates enrolled with KSBC.

14. It cannot be disputed that the class of advocates who have not put in ten years of practice deserve help and assistance. For extending the relief to those needy advocates who have put in more than ten years of practice, KSBC will have to appeal to the senior members of the Bar to make donations so that the amount so collected can be utilized for extending the benefit to other members of the Bar who are not covered by the scheme which is being implemented by KSBC. Even BCI can make such an appeal so that it is in a position to render more assistance to the State Bar Councils.

15. Though we cannot constitute a Committee as prayed for by the petitioners, KSBC can always appeal to the senior members and other members of the Bar to make handsome donations. We are sure that if KSBC makes a request to the learned Advocate General who is the leader of the Bar to convene a meeting of the senior members of the Bar for assisting KSBC to collect donations, the learned Advocate General will assist KSBC in its efforts to generate funds so that the help can reach all the needy members of the Bar.

16. A statement is made by the learned senior counsel representing KSBC that the question of relaxing the criterion of ten years for women advocates is under consideration of KSBC. We hope and trust that KSBC takes such a decision, as for the purposes of rendering assistance, the class of women advocates cannot be treated on par with the class of other advocates. We expect KSBC to take a decision on this aspect at the earliest.

17. Though we are unable to issue a writ of mandamus as prayed for in both the petitions, we expect both the BCI and KSBC to make all possible efforts to generate more and more funds. As and when sufficient funds are generated,

KSBC can take a decision to extend the scheme which is now being implemented by KSBC even to those advocates who do not satisfy the criterion laid down in the letter dated 6th April, 2020. We hope and trust that immediately an appeal will be made by KSBC to all the senior members of the Bar to make effective monetary contribution so that assistance can be rendered to other advocates in distress who are not covered by the present scheme which is being implemented by KSBC. We are sure that considering the rich traditions of the Bar in the State, if an appeal is made by KSBC to the members of the Bar, it will receive a spontaneous response and a large amount will be collected by way of donations which will ultimately reach the advocates who badly need financial assistance in the present crisis. If additional funds are generated, KSBC will apply a rational criteria to distribute the funds as expeditiously as possible to the needy members of the Bar.

18. We pass the following order:

ORDER

(i) With the above observations, the writ petitions are disposed of. All interlocutory applications are also disposed of;

(ii) It is pointed out that some members of the Bar have filed more than 150 applications/affidavits seeking directions regarding providing financial assistance to them. It is for them to apply to KSBC and we cannot issue any effective direction on the basis of the said applications/affidavits.

**(Sd/-)
CHIEF JUSTICE**

**(Sd/-)
JUDGE**

vgh*