

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

PIL No. 12 of 2020

1. **All Manipur Bar Association**, Regd. No. 58/M/SR/2003 under the Societies Registration Act, 1989, registered Office address at District and Sessions Court (Cheirap Court) Complex, Uripok, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin No. 795001, represented by its President, Mr. Maibam Nilachandra Singh, aged about 63 years;
2. Okram Nutankumar Singh, aged about 40 years, S/O Okram Kala Singh of Singjamei Okram Leikai, P.O. & P.S. Singjamei, Imphal West District, Manipur, Pin No. 795008; and
3. Nutankumar Meitei, aged about 56 years, S/O (late) Loukham Birbal Meitei of Sagolband Kangabam Leikai, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin No. 795001.

... Petitioners

-Versus-

1. The State of Manipur, represented by the Chief Secretary, Government of Manipur, Office address at Secretariat, South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin No. 795001;
2. The Principal Secretary (Finance), Government of Manipur, Office address at Secretariat, South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin No. 795001;
3. The Secretary (Law), Government of Manipur, Office address at Secretariat, South Block, Babupara, P.O. & P.S. Imphal, Imphal West District, Manipur, Pin No. 795001;
4. Bar Council of Manipur, a corporate body constituted under the Advocates Act, 1961, registered office address at High Court Complex, P.O. Mantripukhri, Imphal, Manipur, Pin No. 795002 through its Chairman/Secretary; and
5. Chairman, Executive Committee, Bar Council of Manipur, a corporate body constituted under the Advocates Act, 1961, registered office address at High Court Complex, P.O. Mantripukhri, Imphal, Manipur, Pin No. 795002.

... Respondents

B E F O R E
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR
HON'BLE MR. JUSTICE KH. NOBIN SINGH

ORDER

04.05.2020

Kh. Nobin Singh J,

[1] Heard Shri Th. Mahira, learned Advocate appearing for the petitioners; Shri N. Kumarjit, learned AG, Manipur assisted Shri P. Tamphamani, learned Advocate appearing for the respondent Nos. 1, 2 & 3; Shri A. Jagjit, learned Advocate appearing for the respondent No. 4 and Shri Ng. Jotindra, learned Advocate appearing for the respondent No. 5.

[2] The instant PIL has been filed by the petitioners of which the petitioner No.1 is an association of advocates registered under the provisions of the Manipur Societies Registration Act, 1989. The main grievance of the petitioners, as stated therein, is that after the nationwide lockdown being announced by the Hon'ble Prime Minister of India, the Government of Manipur issued various orders closing the schools, colleges, shops, etc. as a precautionary measure and in terms thereof, the High Court of Manipur issued various notifications suspending the normal sitting of the High Court and the District Courts because of which many of the weaker sections of advocates are deprived of their means to earn livelihood. In order to maintain themselves and their families, a financial assistance is required to be provided by the respondents

[3]

including the State Government, Bar Council of Manipur, etc. for which the petitioners are praying for issuing a writ of mandamus to direct the State Government to release the amount of Rs. 58,45,646/- (Rupees fifty eight lakh forty five thousand six hundred and forty six) in terms of the letter dated 18/01/2018 written by the Additional Secretary (Law), Government of Manipur; to direct the respondent Nos. 4 & 5 to take necessary steps for ensuring relief to the indigent, disable, weaker sections of the advocates and also to direct the respondent Nos. 1, 3, 4 & 5 to frame necessary welfare schemes for the welfare of the advocates.

[3] An affidavit has been filed by the respondent No. 3 stating therein that in order to mitigate hardship faced by the people in Manipur, the State Government distributed and made available adequate quantity of rice, free of cost, to the people in the State and in addition thereto, the State of Manipur organized sale of rice at subsidized rate. The letter dated 18/01/2018 written by the Additional Secretary (Law), Government of Manipur was in respect of a proposal for allocation of the said amount as grant for functioning of the newly established Bar Council of Manipur. The said proposal stood lapsed and therefore, it is open to the petitioners or for that matter, the Bar Council of Manipur to approach the State Government for such grant. It has further been stated that in a similar matter, the Hon'ble Supreme Court vide its judgment and order dated 30/4/2020 passed in WP(C) Diary No. 10940 of 2020, directed the Bar Council of India to consider for providing assistance to its brethren keeping in view the prevailing situation in the country.

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[4] An affidavit on behalf of respondent Nos. 4 & 5 has also been filed stating that the Bar Council of Manipur approached the Bar Council of India seeking its approval for providing assistance to the advocates who are financially constrained and are unable to provide their basic needs. The Bar Council of India, in response thereto, authorized the Bar Council of Manipur vide its e-mail dated 01/05/2020 to disburse the amount upto 20% of the Bar Council of India Advocate Welfare Fund for the State. It has further been stated that the Bar Council of Manipur is making an endeavour to seek financial help from other sources viz. Donors, Government and well-wishers. The Bar Council of Manipur has framed a scheme called **“Bar Council of Manipur COVID- 19 Financial Assistance Scheme”** by adopting a resolution on 01/05/2020 to provide financial assistance to the needy and deserving advocates. It has also been resolved by the Bar Council of Manipur to accord sanction of Rs. 2,08,932/- (Rupees two lakh eight thousand nine hundred and thirty two) only in terms of the authorization issued by the Bar Council of India.

[5] When the matter is listed today, Shri Th. Mahira, learned counsel appearing for the petitioner association has argued mainly on two points-one relating to financial assistance to be provided by the Bar Council of Manipur and two, relating to the grant to be released by the Government of Manipur. As regards the first point, there is no any dispute amongst the counsels appearing for the parties who have jointly submitted that an appropriate order may be passed by this Court. So far as the second point is concerned, it has been submitted by the learned

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AG, Manipur that since the earlier proposal having stood lapsed, it is open to the petitioners or for that matter, the Bar Council of Manipur to submit a proposal to the State Government for grant of financial assistance so that the same can be considered by it sympathetically.

[6] In view of the above, the instant PIL stands disposed of with the direction that the Bar Council of Manipur, respondent No. 4 herein is directed to release the amount of Rs. 2,08,932/-, at the earliest possible, for extending financial assistance to the needy advocates and that it is open to the petitioners or for that matter, the Bar Council of Manipur to submit a proposal to the State Government for grant of financial assistance within a week from the date of receipt of a copy of this order and in the event of such a proposal being submitted by the petitioners or the Bar Council of India, as the case may be, the same shall be considered and an appropriate decision be taken by the State Government thereon expeditiously.

JUDGE

JUDGE

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Victoria