

Daily Order

Judge Name	Case No/Year	Date of Order	Daily Order
CHIEF JUSTICE AND M.NAGAPRASANNA	WP 6745/2020	22/05/2020	<p>Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General appearing for the first respondent and the learned counsel appearing for the second respondent.</p> <p>2. Statement of objections has been filed by the second respondent reporting compliance with the directions issued under the judgment and order dated 16th April 2008 in W.P.No.20740/2005. In exercise of the powers under sub-section (1) of Section 27 of the Karnataka Advocates' Welfare Fund Act, 1983 (for short 'the said Act 1983'), the Karnataka Registered Clerks' Welfare Fund has been constituted. The State Government has exercised rule making power under sub-section (4) of Section 27 of the said Act of 1983 and has framed the Karnataka Registered Clerks' Welfare Fund Rules, 2009 (for short 'the said Rules of 2009'). After having perused the provisions of the said Rules of 2009 and in particular Rule 6, we find that payment from the fund can be made to the registered clerks and/or their families only in two contingencies. The first contingency is of a member ceasing to be a registered clerk and the second contingency is of the unfortunate event of death of a member. Considering the scheme of the said Rules of 2009, the fund established under sub-section (1) of Section 27 of the said Act of 1983 cannot be utilized for extending a helping hand to the registered advocates' clerks for meeting the situation created by pandemic of COVID-19.</p> <p>3. Except 11 members, all the members of the petitioner –Association are claiming to be registered in accordance with Rule 11 of Chapter V of the High Court of Karnataka Rules, 1959 (for short 'the said Rules of 1959').</p>

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			<p data-bbox="783 322 1479 566">4. The stand of the second respondent - Karnataka State Bar Council as reflected from the statement of objections is that the registered clerks should look upon the advocates who have employed them for necessary help.</p> <p data-bbox="783 696 1479 940">5. It cannot be disputed that the advocates' clerks play an important role for the benefit of the members of the Bar. Due to the closure of Courts right from 25th March 2020, the income of the advocates' clerks has virtually stopped or has been considerably reduced.</p> <p data-bbox="783 1070 1479 1359">6. As most of the members of the petitioner are registered clerks under the said Rules of 1959, the Advocates' Association of Bengaluru, the petitioner –Association and the Karnataka State Bar Council should come together and evolve a scheme for giving helping hand to the affected advocates' clerks.</p> <p data-bbox="783 1489 1479 1778">7. We, therefore, permit the petitioner to implead the Advocates' Association of Bengaluru as party third respondent. Formal amendment shall be carried out by the petitioner within two weeks from the date on which normal functioning of the Court resumes.</p> <p data-bbox="783 1908 1479 2152">8. In the meanwhile, even the petitioner can create a fund for the welfare of its members by approaching the senior members of the Bar for seeking monetary help. If the petitioner – Association decides to set up a fund by opening a separate account, we are sure that</p>

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			<p>the second respondent –Karnataka State Bar Council and the newly added Advocates’ Association of Bengaluru will definitely assist the petitioner –Association for generating funds. We hope and trust that the second respondent and the newly added third respondent consider the cases of the affected advocates’ clerks sympathetically and help them to survive in the present situation.</p> <p>9. It will be appropriate if before the next date, the office bearers of the second respondent convene a joint meeting of the office bearers of the petitioner –Association and the office bearers of the third respondent –Advocates’ Association of Bengaluru for evolving a scheme for the benefit of the registered advocates’ clerks.</p> <p>10. Let the petition be listed on 29th May 2020 at 11.00 a.m.</p> <p>11. The learned counsel appearing for the petitioner shall serve a copy of the petition as well as a soft copy of this order on the Secretary of the third respondent –Advocates’ Association of Bengaluru.</p> <p>12. We are sure that on such service being made, the third respondent will be represented before this Court. We hope and trust that before the next date, in the joint meeting which may be convened by the second respondent – Karnataka State Bar Council, some solution will be found out to deal with the situation faced by the advocates’ clerks.</p>

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