

\$~4

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3710/2020

VAIBHAV SHARMA

..... Petitioner

Through: Mr. Hariharan, Sr. Advocate with
Mr. Vaibhav Sharma, Adv. Petitioner-in-person

versus

ADVOCATES WELFARE TRUST & ORS. Respondents

Through: Mr. Sanjay Jain, ASG, Chairperson of
Respondent No.1
Mr. K.C. Mittal, Sr. Advocate and Chairman, Bar
Council of Delhi

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

07.07.2020

1. Proceedings of the matter have been conducted through video conferencing.
2. We have heard Mr. Sanjay Jain, learned ASG and the Chairperson of the Advocate Welfare Trust Committee. Mr. Jain submitted that a detailed report has been filed by the Trust Committee according to which, those advocates who are members of the said Welfare Trust may avail the benefit of reimbursement of medical expenses incurred on the treatment of Covid-19. Moreover, there will also be *ex-gratia* grant from the aforesaid relief fund. Mr. Jain further submitted that Rs.2 Crores have already been allotted

for the aforesaid purpose and a sub-committee shall also be constituted for disbursement of the funds. Relying on paragraphs 3, 4, 5, 8 and 10 of the report filed by the Advocate Welfare Trust Committee, Mr. Jain submitted that the Trust has limited means but unlimited demands. It is stated in para 3 that the Trust is getting the funds only from three sources, namely,

- (i) Advocates Welfare stamps;
- (ii) Interest from fixed deposits; and
- (iii) Membership Fees

3. It is stated in Para 4 of the report that since e-filing is at present being permitted without fixation of Advocates Welfare Stamps, the Trust is not getting the funds out of one of the three sources since March 2020. It is pointed out by Mr. Jain that very few advocates are members of the aforesaid Trust and therefore a request is made that other advocates may also get the membership and join the Advocate Welfare Trust so that the benefits thereof can be extended to them as well. It is also requested by Mr. Jain that while imposing costs in legal proceedings, "Advocate Welfare Trust Committee" be kept in consideration. Mr. Jain has further submitted that the Bar Council of Delhi has been kind enough to agree to release the deposit of 20% of the enrolment fee, under Section 15 of Advocates Welfare Act, 2001, as per the request made vide letter dated 30.06.2020 by the Trustee Committee. Nonetheless, it is fairly submitted by Mr. Jain that the Advocates Welfare Trust Committee is going to convene a meeting in a month and their priorities will be adjusted looking to the availability of the funds and demands of the existing members and new members.

4. We have heard Mr. K.C. Mittal, Chairman, Bar Council of Delhi at length who has also filed a detailed report. The aforesaid report highlights the welfare measures extended by the Bar Council of Delhi to its members. Nonetheless, it is submitted by Mr. Mittal that the Bar Council of Delhi is exploring further possibilities of giving more benefits like social security and insurance policy etc. to its members. The relevant extract of the report submitted by Mr. Mittal is reproduced hereinbelow:

“2. That the present crisis due to Covid-19 and closure of courts caused serious financial problems for many advocates during the period of lockdown. Bar Council of Delhi ('the Council') invited applications from needy advocates for financial assistance from 27.03.2020 till 02.04.2020. Out of total 7,600 applications, the financial assistance of Rs.5,000/- was granted to 4,961 advocates totalling to Rs.2,48,55,000/- (Two Crore Forty Eight Lakh Fifty Five Thousand), which was transferred through NEFT pursuant to Council's resolution by circulation.

3. That further, many of the Advocates approached various members of Bar Council of Delhi for financial aid during the time of continued lockdown, as such, vide resolution dated 06.05.2020 by way of circulation, it was decided to invite online applications from needy advocates with effect from 12.05.2020 to 15.05.2020 till 2 p.m. Performa for applications were also circulated, and as many as 15,019 applications were received through online link for financial help. As per the resolution, 6,416 applicants were paid an amount of Rs.3,20,80,000 (Rupees Three Crore Twenty Lakh Eighty Thousand). This resolution was also approved by way of circulation. A sum of Rs.45 Lakh was approved by Shri Ved Prakash Sharma, Member Representative from Bar

Council of India, Advocates Welfare Fund towards enhancing resources of BCD. Consequently, on the approval of the said list, have had necessary amount of Rs.5,000/- to each of the applicants was transferred to their bank accounts my through NEFT. The total amount comes to Rs.3,20,80,000. (Rupees Three Crore Twenty Lakh Eighty Thousand).

4. *That after release of money to 6,416 applicants out of 15,019, the members further decided by resolution dt. 30.05.2020 by circulation to also release Rs.5,000 each to those applicants, who were initially not paid. After removing the aforesaid bar, again a list was prepared and on 10.06.2020, 2,700 applicants were paid Rs.1,35,00,000 (Rupees One Crore Thirty Five Lakh). Thereafter on 12.06.2020, again 1800 applicants were paid Rs.5,000/- each amounting to Rs.90 lakhs (Rupees Ninety Lakhs. Next, on 20.06.2020, 363 applicants were paid Rs.18,15,000/- (Rupees Eighteen Lakh Fifteen Thousand only). Since the process is on, the next payment of Rs.5,000/- to each applicant was made on 04.07.2020 to 208 advocates amounting to Rs.10,40,000/-. Hence as on date, the Bar Council of Delhi since the start of Covid-19 and the lockdown, has paid Rs.5,000/- to total 16,448 advocates in total sum of Rs.8,22,40,000/- (Rupees Eight Crore Twenty Two Lakh Fourty Thousand) and the process is still on.”*

5. Mr. Mittal has also pointed out to this Court that considering the limited means and unlimited wants, their funds are reducing day-by-day.

6. We appreciate the stand taken by the Bar Council of Delhi and the welfare activities extended to its members despite the limited funds at their hands.

7. Learned counsel appearing for the petitioner submitted that out of the aforesaid trust corpus, the Welfare Trust Committee may also explore the possibility of giving money in advance to the advocates suffering from Covid-19. This suggestion will be appreciated by the aforesaid Trust Committee after looking to the availability of the funds and the demands of the advocates. Learned Senior Counsel for the petitioner submitted that they will give more suggestions to the aforesaid Trust Committee as well as to the Bar Council of Delhi and they shall keep in mind the same in the next meeting while deciding the priorities for the welfare of the advocates at large.

8. At the request of the counsel for both the sides, this matter is adjourned to 10.08.2020.

CHIEF JUSTICE

PRATEEK JALAN, J

JULY 07, 2020

pk