



दिल्ली विधिज्ञ परिषद्
BAR COUNCIL OF DELHI
(Statutory Body Constituted under the Advocates Act, 1961)
2/6, Siri Fort Institutional Area, Khel Gaon Marg, New Delhi-110 049

Ref. No. :

Dated :

10.07.2020

Shri Narendra D. Modi

Hon'ble Prime Minister of India,
Government Of India,
South Block, New Delhi

**Sub: - Grant of Financial Assistance Under Contingency
Fund and PM CARES FUND.**

Respected Sir,

1. We are writing this letter to you for relief and succor to thousands of advocates in Delhi/NCR amid gloomy situation caused by COVID-19 pandemic. The lockdown from 25.03.2020 to 30.06.2020 had struck a grievous jolt to the earning of thousands of advocates, in the first instance, due to closure of Courts. The condition of advocates has been worsening day by day forcing them to find even basic requirement being unmet. This has caused deep anguish and is a matter of great concern to the advocates and all of us at Bar Council of Delhi. The conditions in Delhi have worsened. The fear psychosis and uncertainty amongst the people is a matter of concern.
2. The National Disaster Management Authority, Government of India vide its notification dated 24.03.2020, in exercise of powers under section 6(2)(i) of Disaster Management Act, 2005, declared the COVID-19 pandemic as a disaster and decided to direct the Ministers/Departments of Government of India, State Governments



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and State Authorities to take measures for ensuring social distancing so as to prevent the spread of COVID-19 in the country. The notification is as under:

“ whereas, the National Disaster Management Authority is satisfied that the country is threatened by the spread of COVID-19, which has been declared as a pandemic by the World Health Organization, and that is necessary to take effective measures to prevent its spread across the country and for mitigation of the threatening disaster situation.

And whereas, experts keeping in view the global experiences of countries which have been successful in containing the spread of COVID-19 unlike some others where thousands of people died, have recommended that effective measures for social distancing should be taken to contain the spread of this pandemic.

And whereas, 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.

Now, therefore in exercise of powers under section 6(2)(i) of the Disaster Management Act, 2005, the National Disaster Management Authority has decided to direct Ministers/ Departments of Govt. 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. Necessary guidelines in this regard shall be issued immediately under section 10(2)(l) of the Disaster Management Act, 2005 by the National



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Executive Committee. These measures shall be in force for a period by 21 days w.e.f. 25th March, 2020."

3. The Courts have been closed and the advocates are confined to their houses, unable to attend the Courts. Unlock didn't bring any relief, since contrary to expectations, the increase of cases is so high and the Courts continue to remain closed as such gave no relief, rather aggravated the situation. One doesn't know how long such a situation will continue.
4. Many advocates are facing precarious situations and are unable to sustain themselves. Almost four months sitting at home without any work and income and over and above uncertainty of the resumption of the Court work, has multiplied the agony. Some support has been given by the Bar Council of Delhi, with their limited resources, which seems insufficient. In the prevailing conditions, most of the advocates are suffering immensely and extremely.
5. The strength of advocates in Delhi is over one lakh, and barring a section of advocates, most of them are finding helpless in the present crisis. We, in the Bar Council have already disbursed more than 8 Crore Rupees and more efforts are being made to further take care in appropriate cases as far as possible, within our resources.
6. In such an emergent and disastrous situation, the citizens cannot be left high and dry. The framers of the constitution had visualized such emergent and disastrous situation and have provided provision in the constitution for "Contingency Fund" being available to the Central Government and the State Government to overcome such situations.
7. Your kind attention is invited to Article 267 of the Constitution of India, which categorically provides for Contingency Funds for the purpose of



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unforeseen disastrous situations like the present. It is established under Article 267(1) for the Central Government, whereas Article 267(2) established for a State Government. We find from media reports that Rs. 8,000/- Crores are lying in this account for the Central Government, which can be unlimitedly increased by the Government at its options for utilization for the Covid relief.

8. In addition to the Contingency Fund, a separate Trust namely; "The Prime Minister's Citizen Assistance and Relief in Emergency Situations Fund" (PMCARES FUND) has been created on 28.03.2020 to provide financial assistance to those who suffer due to COVID-19 pandemic. Sir, you are the Chairman of the Trust, apart from three Trustees i.e. Minister of Defense, Minister of Home Affairs and Minister of Finance. The provisions of Corporate Social Responsibility/Obligation of the companies (CSR) have been made applicable, apart from contributions from various governmental agencies. The Trust has been established in view of the PAN-India problem and is a body established and run by the Government which comes within the definition of State under Article 12 of the Constitution of India.
9. According to the information available on the internet as on 20.05.2020, the Trust had a corpus of Rs. 9,677.9 Crores. The Trust constitutes a dedicated national fund with the primary objective of dealing with any kind of emergency or distress situation, like posed by COVID-19 pandemic, and to provide relief to the affected persons, so we are. The Government has been extending relief and financial assistance to various sections of the society.
10. Having regard to the situation and the demands on the resources of the country, it needs hardly to be emphasized that the legal community in Delhi/NCR is facing severe financial crisis and the situation demands urgent intervention by the Government by providing necessary funds to

K.C. Mittal
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the tune of Rs. 500 Crores, to the Bar Council of Delhi from Contingency Fund of India as well as PM CARES Fund to mitigate hardship of the advocates in Delhi/NCR. The grant of relief will go a long way in mitigating hardships of the advocates enrolled with Bar Council of Delhi.

We shall be grateful if steps are taken expeditiously in this regard.

Thanking you in advance.

Your Faithfully

(K.C. Mittal)

CC to:

- 1) Shri Manan Kumar Mishra
Chairman, Bar Council of India
- 2) Chairman, All State Bar Council's