

Sub:-Miscellaneous-Stipend to Junior Lawyers- Seeking direction to respondents in implementing Ext.P2 G.O.

W.P. (Civil) No. _____ of 2020

MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226
OF THE CONSTITUTION OF INDIA



3rd Floor, Anu Arcade, Opp. Gate No. 3, High Court of Kerala,
Ernakulam - 682 031



W.P. (Civil) No. _____ of 2020

 V_S

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Dated this the 6th day of May, 2020

Manu Ramachandran
Counsel for the Petitioners

IN THE HONORABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P. (Civil) No. of 2020

Petitioners : *Adv.Dheeraj Ravi & Others*
Vs
Respondents : *State of Kerala & Others*

SYNOPSIS

The petitioners are aggrieved by the lethargic attitude shown by the respondents 2 to 5 towards implementing the Ext.P2 Government order vide. G.O (MS) No.36/2018/Law dated 09.03.2018 issued by the 1st respondent wherein sanction was accorded to pay monthly stipend of Rs.5000/- to the junior lawyers. As per Ext.P2 G.O, the junior lawyers who have not completed 3 years of practice and an age of 30 years and are not having annual income of more than Rs.1 lakhs are entitled for stipend. The G.O stipulates that lawyers who are eligible shall apply to the 3rd respondent Trustee Committee in the application form prescribed by the Committee, which shall be accompanied by documents as stated in the G.O. The 1st petitioner is presently adorning the chair of President of District Bar Association, Kollam and the other petitioners are junior lawyers who got enrolled with Bar Council of Kerala on 15.12.2019 and are members of District Bar Association, Kollam. The 1st petitioner being a senior member of Bar and chairing the post of President of District Bar Association, Kollam, is interested in the welfare of the junior members of legal profession. Since the 2nd and 3rd petitioners are intending to become beneficiaries of the said financial assistance and are interested in the outcome of the writ, they cannot be considered to be litigating under public interest alone and hence this writ petition is not a public-interest-litigation though public interest of large number of junior advocates of State of Kerala is involved in this case.

It is oft-quoted in the legal circles that the dearth of quality juniors is the challenge faced by litigating lawyers and that majority is not interested to pursue litigation as their choice of path in profession. It was also repeatedly lamented that only a handful remains to practice law which is not because of lack of interest but due to financial stringency faced at the beginning of practice of law. The Government in its wisdom has proceeded to consider the same and passed Ext.P2 G.O to support the younger generation of legal fraternity but the lethargy in implementing the same has failed the purpose. Due to the same, the novices of legal profession are face grim future especially due to the lock down after Kovid-19 and its repercussions in the economic sphere of the Country. The Ext.P2 G.O gains significance in such a situation and the non-implementation of the same is undermining the very purpose of Advocate's Benefit Fund law. Hence this writ petition (civil).

List of Events in chronological order:

09.03.2018 : Ext.P2 G.O
15.12.2019 : Enrollment of petitioners 2 & 3
04.05.2020 : Ext.P4 request though email
07.05.2020 : Date of filing this Writ Petition

Points to be urged:

1. Though the Ext.P2 order was issued as early as on 09.03.2018 no steps were taken by the respondents 2 to 5 to implement the same till date. The Government in its wisdom has proceeded to pass Ext.P2 G.O to support the younger generation of legal fraternity but the lethargy in implementing the same has failed the purpose. Due to the same, the novices of legal profession are face grim future especially due to the lock down after Kovid-19 and its repercussions in the economic sphere of the Country. The Ext.P2 G.O gains significance in such a situation and the non-implementation of the same is undermining the very purpose of Advocate's Benefit Fund law.
2. The implementation of lock down due to Kovid-19, the fraternity of lawyers in India has suffered much like any other income groups of the society. The junior lawyers, who are already dependent upon various circumstances and financially vulnerable even before lock-down were the worst affected among the lawyers. Although several measures were declared by the respondents 2 to 5 to help the financially suffering lawyers pursuant to the pressure exerted from various corners, but the same has not reached any intended benefit to the lawyers due to the narrow compass of eligibility prescribed therein.

Acts/Rules to be referred:

1. The Constitution of India
2. The Advocates Act
3. Kerala Advocate's Welfare Fund Act, 1980

Dated this the 6th day of May, 2020

Manu Ramachandran

Counsel for the Petitioners

IN THE HONORABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P. (Civil) No. of 2020

Petitioners:

1. Adv. Dheeraj Ravi,
2. Adv. Anoop S.,
3. Adv. Mahadevan Nair S.,

Respondents:

1. State of Kerala, represented by Secretary to Government,
Department of Law, Government
Secretariat, Thiruvananthapuram-695 001
2. The Bar Council of Kerala,
Bar Council Bhavan, High Court Campus,
Ernakulam, Kochi - 682 031 represented by its Secretary
3. The Chairman, The Bar Council of Kerala,
Bar Council Bhavan, High Court Campus,
Ernakulam, Kochi - 682 031
4. The Kerala Advocate's Welfare Fund Trustee Committee,
Bar Council Bhavan, High Court Campus,
Ernakulam, Kochi - 682 031 represented by its Secretary.
5. The Chairman, The Kerala Advocate's Welfare Fund Trustee Committee,
Bar Council Bhavan, High Court Campus,

Ernakulam, Kochi - 682 031

(All notices, processes etc. to the petitioner may be served on his counsel, M/s MARKS LEGAL, Advocates, 3rd Floor, Anu Arcade, Opposite Gate No.3, High Court of Kerala, Ernakulam-31 and to the Respondents in the above address.)

**MEMORANDUM OF WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA**

STATEMENT OF FACTS

The Petitioners most respectfully submits as follows:

1. The petitioners are advocates enrolled to the Rolls of 2nd respondent and practicing at Kollam District. The 1st petitioner is presently adorning the chair of President of District Bar Association, Kollam and the other petitioners are junior lawyers who got enrolled with Bar Council of Kerala on 15.12.2019 and are members of District Bar Association, Kollam. The true copy of the ID card of petitioners 1 to 3 issued by the Bar Council of Kerala is produced herewith and may be marked respectively as **Exhibit P1, Exhibit P1(a) and Exhibit P1(b)**.
2. The petitioners are aggrieved by the lethargic attitude shown by the respondents 2 to 5 towards implementing the Government order vide. G.O (MS) No.36/2018/Law dated 09.03.2018 issued by the 1st respondent wherein sanction was accorded to pay monthly stipend of Rs.5000/- to the junior lawyers. Since the 2nd and 3rd petitioners are intending to become beneficiaries of the said financial assistance and are interested in the outcome of the writ, they cannot be considered to be litigating under public interest alone and hence this writ petition is not a public-interest-litigation though public interest of large number of junior advocates of State of Kerala is involved in this case. The 1st petitioner being a senior member of Bar and is chairing the post of President of District Bar Association, Kollam, is interested in the welfare of the junior members of legal profession
3. The 1st respondent is the State of Kerala through the Secretary to Government, Department of Law and the respondents 2 and 3 are the State Bar Council and its Chairman and respondents 4 and 5 are the Kerala Advocate's Welfare Fund

Trustee Committee and its Chairman, all of whom are having definite functions and responsibilities cast in terms of the Advocates Act, 1961 and Kerala Advocate's Welfare Fund Act, 1980 and the Rules thereunder. They all answers the definition of 'State' in Art.12 of the Constitution of India and hence amenable to the writ jurisdiction of this Hon'ble Court.

4. It is submitted that the Government of Kerala has enacted Kerala Advocate's Welfare Fund Act, 1980 (herein after referred as 'the Act') stating to be a legislation to provide for the constitution of a Welfare fund for the payment of retirement benefits to Advocates in the state of Kerala and for matters connected there with or incidental thereto. As per the Preamble the said Act is enacted where it is expedient to provide for the constitution of a welfare fund for the payment of retirement benefits to Advocates in the State of Kerala and for matters connected therewith or incidental thereto. As per S.9 of the Act, the Trustee Committee shall administer the Welfare Fund created as per the Act and shall consider application for financial help and allow payments out of fund.
5. The 1st respondent has proceeded to issue Government order vide. G.O (MS) No.36/2018/Law dated 09.03.2018 wherein sanction was accorded to 4th respondent to pay monthly stipend of Rs.5000/- to the junior lawyers of a specified category out of the Welfare Fund created under Kerala Advocate's Welfare Fund Act, 1980. The true copy of the Government order vide. G.O (MS) No.36/2018/Law dated 09.03.2018 is produced herewith and may be marked as **Exhibit P2**.
6. As per Ext.P2 G.O, the junior lawyers who have not completed 3 years of practice and an age of 30 years and are not having annual income of more than Rs.1 lakhs are entitled for stipend. The G.O stipulates that lawyers who are eligible shall apply to the Trustee Committee in the application form prescribed by the Committee, which shall be accompanied by documents as stated in the G.O.
7. It is submitted that though the Ext.P2 order was issued no steps was taken by

the respondents 2 to 5 to implement the same till date. They have not brought in any rules or formulated any modus including the prescribed application pursuant to Ext.P2. As per S.27 of the Act, the 2nd respondent Bar Council is cast with the powers and duty to bring in rules to give effect provision of the Act.

8. Hence the absence of any stipulation or even prescribed form to apply for the payment of stipend even after more than 2 years of Ext.P2 G.O is nothing but lethargy and arbitrariness on the part of 2nd respondent and the same is attributable to respondents 3 to 5 also.
9. It is submitted that the petitioners 2 and 3 as well as many of their friends have approached the respondents 2 and 4 on several occasions seeking application forms and other procedures and guidance to apply for stipend pursuant to Ext.P2 G.O. But the respondents 2 and 4 have send back them each time with a direction to wait till they have formulated their own Rules and procedure pursuant to Ext.P2. Accordingly the petitioners as well as several junior lawyers are left without the benefit of Ext.P2 G.O even till date.
10. It is submitted that after the implementation of lock down due to Kovid-19, the fraternity of lawyers in India have suffered much like any other income groups of the society. The junior lawyers, who are already dependent upon various circumstances and financially vulnerable even before lock-down were the worst affected among the lawyers. Although several measures were declared by the respondents 2 to 5 to help the financially suffering lawyers pursuant to the pressure exerted from various corners, but the same has not reached any intended benefit to the lawyers due to the narrow compass of eligibility prescribed therein.
11. It is laudable that many of the Bar associations have rose to the occasion and have pooled resources to ameliorate the situation of lawyers. The District Bar Association, Kollam has devised such a mission and helped members therein financially. The true copy of the newspaper report about the financial aid given by the District Bar Association, Kollam to its members is produced

herewith and may be marked as **Exhibit P3**. Likewise various State Bar Councils and States of India has come up with helping hand to the lawyers.

12.It was in that circumstances, the Ext.P2 G.O gains significance and the non-implementation of the same is undermining the very purpose of Advocate's Benefit Fund law. The 2nd and 3rd petitioners have already approached the 4th and 5th respondents seeking the urgent implementation of Ext.P2 G.O and granting benefit of the same to the petitioners. The true copy of the representation dated 04.05.2020 filed through email of 2nd petitioner is produced herewith and may be marked as **Exhibit P4**.

13.It is oft-quoted in the legal circles that the dearth of quality juniors is the challenge faced by litigating lawyers and that majority is not interested to pursue litigation as their choice of path. It was also repeatedly lamented that only a handful remains to practice law which is not because of lack of interest but due to financial stringency faced at the beginning of practice of law. The Government in its wisdom has proceeded to consider the same and passed Ext.P2 G.O to support the younger generation of legal fraternity but the lethargy in implementing the same has failed the purpose. Due to the same, the novices of legal profession are face grim future especially due to the lock down after Kovid-19 and its repercussions in the economic sphere of the Country. Hence the petitioners are seeking the intervention of this Hon'ble Court in directing the emergent implementation of Ext.P2 G.O, in the interest of justice.

Being aggrieved and left with no other alternative or efficacious remedies other than to approach this Hon'ble Court under Article 226 of the Constitution of India on the following among other :-

GROUND S

A. The petitioners are aggrieved by the lethargic attitude shown by the respondents 2 to 5 towards implementing the Ext.P2 Government order vide. G.O (MS) No.36/2018/Law dated 09.03.2018 issued by the 1st respondent wherein sanction was accorded to pay monthly stipend of Rs.5000/- to the

junior lawyers. As per Ext.P2 G.O, the junior lawyers who have not completed 3 years of practice and an age of 30 years and are not having annual income of more than Rs.1 lakhs are entitled for stipend. The G.O stipulates that lawyers who are eligible shall apply to the 3rd respondent Trustee Committee in the application form prescribed by the Committee, which shall be accompanied by documents as stated in the G.O.

- B. The petitioners are advocates enrolled to the Rolls of 2nd respondent and practicing at Kollam District evident by Ext.P1 to Ext.P1(b). The 1st petitioner is presently adorning the chair of President of District Bar Association, Kollam and the other petitioners are junior lawyers who got enrolled with Bar Council of Kerala on 15.12.2019 and are members of District Bar Association, Kollam. The 1st petitioner being a senior member of Bar and chairing the post of President of District Bar Association, Kollam, is interested in the welfare of the junior members of legal profession. Since the 2nd and 3rd petitioners are intending to become beneficiaries of the said financial assistance and are interested in the outcome of the writ, they cannot be considered to be litigating under public interest alone and hence this writ petition is not a public-interest-litigation though public interest of large number of junior advocates of State of Kerala is involved in this case.
- C. The 1st respondent is the State of Kerala through the Secretary to Government, Department of Law and the respondents 2 and 3 are the State Bar Council and its Chairman and respondents 4 and 5 are the Kerala Advocate's Welfare Fund Trustee Committee and its Chairman, all of whom are having definite functions and responsibilities cast in terms of the Advocates Act, 1961 and Kerala Advocate's Welfare Fund Act, 1980 and the Rules thereunder. They all answers the definition of 'State' in Art.12 of the Constitution of India and hence amenable to the writ jurisdiction of this Hon'ble Court.
- D. The Government of Kerala has enacted Kerala Advocate's Welfare Fund Act, 1980 stating to be a legislation to provide for the constitution of a Welfare fund for the payment of retirement benefits to Advocates in the state of Kerala and for matters connected there with or incidental thereto. As per the

Preamble the said Act is enacted where it is expedient to provide for the constitution of a welfare fund for the payment of retirement benefits to Advocates in the State of Kerala and for matters connected therewith or incidental thereto. As per S.9 of the Act, the Trustee Committee shall administer the Welfare Fund created as per the Act and shall consider application for financial help and allow payments out of fund.

- E. Ext.P2 order was issued as early as on 09.03.2018 but no steps were taken by the respondents 2 to 5 to implement the same till date. They have not brought in any rules or formulated any modus including the prescribed application pursuant to Ext.P2. As per S.27 of the Act, the 2nd respondent Bar Council is cast with the powers and duty to bring in rules to give effect provision of the Act. The absence of any stipulation or even prescribed form to apply for the payment of stipend even after more than 2 years of Ext.P2 G.O is nothing but lethargy and arbitrariness on the part of 2nd respondent and the same is attributable to respondents 3 to 5 also.
- F. The petitioners 2 and 3 as well as many of their friends have approached the respondents 2 and 4 on several occasions seeking application forms and other procedures and guidance to apply for stipend pursuant to Ext.P2 G.O. But the respondents 2 and 4 have send back them each time with a direction to wait till they have formulated their own Rules and procedure pursuant to Ext.P2. Accordingly the petitioners as well as several junior lawyers are left without the benefit of Ext.P2 G.O even till date. The Ext.P4 representation is the latest of the approach made by the 2nd and 3rd petitioners as per the advice of 1st petitioner.
- G. It is oft-quoted in the legal circles that the dearth of quality juniors is the challenge faced by litigating lawyers and that majority is not interested to pursue litigation as their choice of path. It was also repeatedly lamented that only a handful remains to practice law which is not because of lack of interest but due to financial stringency faced at the beginning of practice of law. The Government in its wisdom has proceeded to consider the same and passed Ext.P2 G.O to support the younger generation of legal fraternity but the

lethargy in implementing the same has failed the purpose. Due to the same, the novices of legal profession are face grim future especially due to the lock down after Kovid-19 and its repercussions in the economic sphere of the Country. The Ext.P2 G.O gains significance in such a situation and the non-implementation of the same is undermining the very purpose of Advocate's Benefit Fund law.

- H. After the implementation of lock down due to Kovid-19, the fraternity of lawyers in India has suffered much like any other income groups of the society. The junior lawyers, who are already dependent upon various circumstances and financially vulnerable even before lock-down were the worst affected among the lawyers. Although several measures were declared by the respondents 2 to 5 to help the financially suffering lawyers pursuant to the pressure exerted from various corners, but the same has not reached any intended benefit to the lawyers due to the narrow compass of eligibility prescribed therein.
- I. The situation described in the writ petition fully justifies the interference of this Hon'ble in the extra ordinary jurisdiction due to the arbitrary delay in implementing Ext.P2 Government Order especially due to present economic state due to Kovid-19 pandemic.

For these and other grounds to be urged at the time of hearing, it is most humbly prayed that this Hon'ble Court may be pleased to pass the following:-

RELIEFS

- 1) To issue a writ of mandamus, or any appropriate writ or direction directing the respondents 1 to 5 to take all appropriate actions in ensuring the implementation of Exhibit P2 G.O in its letter and spirit, within a time frame fixed by this Hon'ble Court;
- 2) To issue a writ of mandamus, or any appropriate writ or direction directing the respondents No.3 to consider and pass orders on all applications seeking stipend pursuant to and in compliance of terms of Exhibit P2 G.O, within a time frame fixed by this Hon'ble Court;

And

- 3) Such other Writ, Orders or Directions deem fit on facts and in the interest of justice.

INTERIM RELIEFS

For the reasons stated in the Writ Petition and in the accompanying affidavit, it is most humbly prayed that this Hon'ble Court may be pleased to direct :-

1. the respondents 2 and 4 to furnish a report as to the steps taken to implement Ext.P2 G.O till date,
2. the respondents No.3 to consider and pass orders on all applications seeking stipend pursuant to and in compliance of terms of Exhibit P2 G.O, pending disposal of the above Writ Petition.

Dated this the 6th day of May, 2020

Petitioners : 1. Adv. Dheeraj Ravi

2. Adv. Anoop S.

3. Mahadevan Nair S.

Manu Ramachandran
Counsel for the Petitioners

IN THE HONORABLE HIGH COURT OF KERALA AT ERNAKULAM

W.P. (Civil) No. of 2020

Petitioners : *Adv.Dheeraj Ravi & Others*
Vs
Respondents : *State of Kerala & Others*

AFFIDAVIT

I, Adv. Dheeraj Ravi,

solemnly affirm and state as follows:-

1. I am the 1st petitioner in the above Writ Petition (Civil) and the deponent herein. I am conversant with the facts of the case and I am competent to swear this affidavit. I am authorized to swear this affidavit for and on behalf of the 2nd and 3rd petitioners also.
2. The facts stated in the Writ petition are either within my personal knowledge or on the basis of information gathered by me.
3. I have not filed any other Petition before this honorable Court seeking similar relieves on the basis of the same cause of action.
4. The question of law and the grounds in this Writ Petition (Civil) are raised on the advice of my counsel and I am also advised to submit that the grounds are sufficient to grant relief sought for in the same. The documents produced as Exhibit P1 to P4 are true copies of their originals.

All the facts stated above are true and correct

Dated this the 6th day of May, 2020

Deponent

Solemnly affirmed and signed before me by the department who is personally known to me on this the 6th day of May, 2020 in my residence at Pathanamthitta.

Manu Ramachandran
Advocate,



**കേരള സർക്കാർ
സംഗ്രഹം**

നിയമ (കെ. എൽ. ബി. എഫ്) വകുപ്പ്- ബാറിലെ സേവനകാലം 3 വർഷത്തിൽ അധികരിക്കാത്ത അഭിഭാഷകർക്ക് കേരള അഭിഭാഷക ക്ഷേമനിധിയിൽ നിന്ന് പ്രതിമാസം 5000/- രൂപ നിരക്കിൽ സ്റ്റൈപ്പൻഡ് നൽകുന്നതിനുള്ള അനുമതി - ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

നിയമ (കെ.എൽ.ബി.എഫ്) വകുപ്പ്
സ.ഉ.(എം. എസ്) നം.36/2018/നിയമം തിരുവനന്തപുരം, തീയതി, 09/03/2018

പരാമർശം: അഡ്വക്കേറ്റ് ജനറലിന്റെ 01/12/2017-ലെ കത്ത്.

ഉത്തരവ്

1980-ലെ കേരള അഭിഭാഷക ക്ഷേമനിധി ആക്റ്റ് പ്രകാരം അഭിഭാഷകരുടെ ക്ഷേമത്തിനായി കേരള അഭിഭാഷക ക്ഷേമനിധി രൂപീകരിച്ചിട്ടുള്ളതാണ്. ആക്റ്റിലെ 9-ാം വകുപ്പിൽ, 30 വയസ്സ് പൂർത്തിയാക്കാത്തതും 1 ലക്ഷം രൂപയിൽ താഴെ വാർഷിക വരുമാനമുള്ളതും ബാറിലെ സേവനകാലം 3 വർഷത്തിൽ അധികരിക്കാത്തതുമായ ഒരു അഭിഭാഷകന്, ട്രസ്റ്റി കമ്മിറ്റി കാലകാലങ്ങളിൽ നിശ്ചയിക്കുന്നതും സർക്കാർ അംഗീകരിക്കുന്നതുമായ നിരക്കിൽ സ്റ്റൈപ്പൻഡ് നൽകുന്നതിന് വ്യവസ്ഥ ചെയ്തിട്ടുള്ളതാണ്. ഇതിൻ പ്രകാരം പ്രസ്തുത നിധിയിൽ നിന്നും പ്രതിമാസം 5000/- രൂപ നിരക്കിൽ ജൂനിയർ അഭിഭാഷകർക്ക് സ്റ്റൈപ്പൻഡ് നൽകുന്നതിനായി കേരള അഭിഭാഷക ക്ഷേമനിധി ട്രസ്റ്റി കമ്മിറ്റിയുടെ യോഗത്തിൽ തീരുമാനിച്ചിട്ടുള്ളതായും അതിനാൽ 1980-ലെ കേരള അഭിഭാഷക ക്ഷേമനിധി ആക്റ്റിലെ 9-ാം വകുപ്പ് പ്രകാരം സ്റ്റൈപ്പൻഡ് അനുവദിക്കുന്നതിന് സർക്കാർ അനുമതി നൽകണമെന്നും മേൽ പരാമർശത്തിലെ കത്ത് പ്രകാരം അഭിഭാഷക ക്ഷേമനിധി ട്രസ്റ്റി കമ്മിറ്റി ചെയർമാൻ ആയ അഡ്വക്കേറ്റ് ജനറൽ അഭ്യർത്ഥിച്ചിട്ടുള്ളതാണ്.

മേൽ സാഹചര്യത്തിൽ സർക്കാർ ഈ വിഷയം വിശദമായി പരിശോധിക്കുകയും 30 വയസ്സ് പൂർത്തിയാക്കാത്തവരും 1 ലക്ഷം രൂപയിൽ താഴെ വാർഷിക വരുമാനമുള്ളതും ബാറിലെ സേവനകാലം 3 വർഷത്തിൽ അധികരിക്കാത്തവരുമായ അഭിഭാഷകർക്ക് കേരള അഭിഭാഷക ക്ഷേമനിധിയിൽ നിന്നും പ്രതിമാസം 5000/- രൂപ (അയ്യായിരം രൂപ മാത്രം) നിരക്കിൽ ചുവടെ പറയുന്ന മാർഗ്ഗനിർദ്ദേശങ്ങൾക്ക് വിധേയമായി സ്റ്റൈപ്പൻഡ് നൽകുന്നതിന് അനുമതി നൽകി ഇതിനാൽ ഉത്തരവാകുന്നു.

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1. 30 വയസ്സ് പൂർത്തിയാക്കാത്തവരും 1 ലക്ഷം രൂപയിൽ താഴെ വാർഷിക വരുമാനമുള്ളതും ബാറിലെ സേവനകാലം 3 വർഷത്തിൽ അധികരിക്കാത്തവരുമായ അഭിഭാഷകർക്ക് മാത്രമേ സ്റ്റേപ്പൻഡ് ലഭിക്കുവാൻ അർഹതയുള്ളൂ.
2. കേരള അഭിഭാഷകക്ഷേമനിധി ട്രസ്റ്റി കമ്മിറ്റിയുടെ നിശ്ചിത മാതൃകയിലുള്ള അപേക്ഷാഫാറത്തിൽ അപേക്ഷ സമർപ്പിക്കേണ്ടതാണ്. അഭിഭാഷകൻ അംഗമായിട്ടുള്ള ബാർ അസോസിയേഷൻ മുഖാന്തിരവും ബന്ധപ്പെട്ട ബാർ അസോസിയേഷന്റെ ശുപാർശ സഹിതവുമാണ് ട്രസ്റ്റി കമ്മിറ്റിയ്ക്ക് അപേക്ഷ സമർപ്പിക്കേണ്ടത്.
3. അപേക്ഷകയുടെ / അപേക്ഷകന്റെ വയസ്സ് തെളിയിക്കുന്നതിനായി ഒരു ഗസറ്റഡ് ഓഫീസർ സാക്ഷ്യപ്പെടുത്തിയ ജനനസർട്ടിഫിക്കറ്റിന്റെ / മറ്റ് ആധികാരികരേഖയുടെ പകർപ്പ് അപേക്ഷയോടൊപ്പം ഹാജരാക്കേണ്ടതാണ്. വാർഷികവരുമാനം തെളിയിക്കുന്നതിന് ബന്ധപ്പെട്ട റവന്യൂ അധികാരിയിൽ നിന്നുള്ള വരുമാന സർട്ടിഫിക്കറ്റും, ബാറിലെ സേവനകാലവും നിലവിൽ സേവനം ചെയ്തുവരുന്നതുമായ വിവരങ്ങൾ തെളിയിക്കുന്നതിന് ബന്ധപ്പെട്ട ബാർ അസോസിയേഷൻ പ്രസിഡന്റ് / സെക്രട്ടറി നൽകുന്ന സർട്ടിഫിക്കറ്റും അപേക്ഷയോടൊപ്പം സമർപ്പിച്ചിരിക്കേണ്ടതാണ്.
4. ജൂനിയർ അഭിഭാഷകൻ സജീവ പ്രാക്ടീസിലാണെന്ന് സാക്ഷ്യപ്പെടുത്തിക്കൊണ്ട് അദ്ദേഹത്തിന്റെ സീനിയർ അഭിഭാഷകൻ (പതിനഞ്ച് വർഷത്തിൽ കുറയാത്ത പ്രാക്ടീസുള്ള) അഥവാ ബന്ധപ്പെട്ട ബാർ അസോസിയേഷൻ നൽകിയ സാക്ഷ്യപത്രം 3 മാസത്തിലൊരിക്കൽ ട്രസ്റ്റി കമ്മിറ്റി മുമ്പാകെ നൽകേണ്ടതാണ്.
5. തെറ്റായ വിവരങ്ങൾ നൽകിയോ വ്യാജരേഖ ചമച്ചോ സ്റ്റേപ്പൻഡ് കൈപ്പറ്റുന്ന അഭിഭാഷകർ അപ്രകാരം കൈപ്പറ്റിയ തുക 12 % പലിശ സഹിതം തിരിച്ചടയ്ക്കുവാൻ ബാധ്യസ്ഥരാണ്. ഇതിനുപുറമേ ഇവർക്കെതിരെ ക്രിമിനൽ നടപടികളും സ്വീകരിക്കാവുന്നതാണ്. അനർഹരായവർക്ക് സ്റ്റേപ്പൻഡ് ലഭ്യമാക്കുന്നതിന് തെറ്റായ

3
സർട്ടിഫിക്കറ്റുകൾ നൽകുന്ന ബാർ അസോസിയേഷൻ സെക്രട്ടറി / പ്രസിഡന്റ്/ സീനിയർ അഭിഭാഷകനെതിരെയും അച്ചടക്ക നടപടിയും നിയമനടപടികളും സ്വീകരിക്കാവുന്നതാണ്. മേൽ കാണിച്ച നിബന്ധനകൾ പാലിക്കുന്നതിന് മുദ്രപത്രത്തിൽ ഒരു ബോണ്ട് നൽകേണ്ടതാണ്.

6. സ്റ്റേപ്പൻഡ് ലഭിക്കുവാനുള്ള അർഹത ട്രസ്റ്റി കമ്മിറ്റി കാലാകാലങ്ങളിൽ സർക്കാരിന്റെ മുൻകൂട്ടിയുള്ള അനുമതിയോടുകൂടി നിശ്ചയിക്കുന്ന മറ്റ് വ്യവസ്ഥകൾക്കും കൂടി വിധേയമായിരിക്കും.

ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം,

എ. മുഹമ്മദ് ഹുസൈൻ,
അഡീഷണൽ നിയമ സെക്രട്ടറി.

പകർപ്പ്:

1. കേരള നിയമ സഹായനിധി ട്രസ്റ്റി കമ്മിറ്റിയുടെ ചെയർമാനും മറ്റ് അംഗങ്ങൾക്കും.
2. അഡ്വക്കേറ്റ് ജനറൽ, കേരള എറണാകുളം.
3. സെക്രട്ടറി, കേരള അഭിഭാഷകക്ഷേമനിധി ട്രസ്റ്റി കമ്മിറ്റി.
4. അക്വൗണ്ടന്റ് ജനറൽ (ആഡിറ്റ്) കേരള, തിരുവനന്തപുരം.
5. അക്വൗണ്ടന്റ് ജനറൽ (എ & ഇ) കേരള, തിരുവനന്തപുരം.
6. ലോക്കൽ ഫണ്ട് ആഡിറ്റ് വകുപ്പ്, തിരുവനന്തപുരം.
7. നിയമ വകുപ്പ് മന്ത്രിയുടെ പ്രൈവറ്റ് സെക്രട്ടറി.
8. നിയമ സെക്രട്ടറിയുടെ പി. എ.
9. അഡീഷണൽ നിയമ സെക്രട്ടറി (കെ. എൽ ബി. എഫ്) യുടെ സി.എ.
10. ഇൻഫർമേഷൻ ഓഫീസർ വെബ്ബ് ആന്റ് ന്യൂ മീഡിയ ഐ. & പി.ആർ. ഡി.
11. നിയമ (നോഡൽ) വകുപ്പ്
12. സ്റ്റോക്ക് ഫയൽ/ഓഫീസ് പകർപ്പ്.

ഉത്തരവിൻ പ്രകാരം.


സെക്ഷൻ ഓഫീസർ.

This is the true copy of the document marked as Exhibit P2 referred in the above case

Counsel for the Petitioner

കോടതികൾ പരിഗണിക്കുന്നത് അടിയന്തര കേസുകൾ

■ വാദം വീഡിയോ കോൺഫറൻസിലൂടെ

► ആർ.ഹരിപ്രസാദ്

കൊല്ലം: ലോക്ക്ഡൗൺ ഇരുവുകൾ പ്രാബല്യത്തിൽ വന്നതോടെ ഹോട്ട്സ്പോട്ടുകൾക്ക് പുറത്തുള്ള കോടതികൾ തുറന്നെങ്കിലും പരിഗണിക്കുന്നത് അടിയന്തര സ്വഭാവമുള്ള കേസുകൾ മാത്രം. നിയന്ത്രണങ്ങളോടെയാണ് കോടതി ഓഫീസുകൾ പ്രവർത്തിക്കുന്നത്. ജഡ്ജിമാർ ചുമതലകൾ നിർവ്വഹിക്കുന്നത് ചോബറിൽ ഇരുന്നാണ്. മജിസ്ട്രേട്ട് കോടതികളിൽ അടിയന്തര സ്വഭാവമുള്ള ജാമ്യാപേക്ഷകൾ ചോബറിലും തുറന്ന കോടതിയിലും പരിഗണിക്കുന്നുണ്ട്. പ്രതികളുടെ റിമാൻഡ്, ജാമ്യാപേക്ഷ ഒഴികെയുള്ള മറ്റെല്ലാ കേസുകളും മാറ്റിവയ്ക്കുകയാണ്. സിവിൽ കോടതികൾക്ക് മേയ് 17 വരെ വേനലവധിയാണ്. വീഡിയോ കോൺഫറൻസ് വഴിയാണ് ജില്ലാ കോടതികൾ കേസ് പരിഗണിക്കുന്നത്. ജഡ്ജി, സർക്കാർ അഭിഭാഷകൻ, പ്രതിയുടെ അഭിഭാഷകൻ എ

ന്നിവർ പങ്കെടുക്കുന്ന വീഡിയോ കോൺഫറൻസിൽ ഇരുഭാഗത്തിന്റെയും വാദം കേട്ട് തീരുമാനത്തിലെത്തും. അഭിഭാഷകർക്ക് വീട്ടിലിരുന്ന് വീഡിയോ കോൺഫറൻസിൽ പങ്കെടുക്കാം. എന്നാൽ എല്ലാ അഭിഭാഷകർക്കും വീഡിയോ കോൺഫറൻസിൽ പരിചിതമല്ലെന്ന ന്യൂനതയുണ്ട്. ലോക്ക്ഡൗൺ ഇരുവുകൾ പൂർണ്ണതോതിലാകുന്നതോടെയേ തുറന്ന കോടതികളുടെ പ്രവർത്തനം സജീവമാവുകയുള്ളൂ.



അഭിഭാഷകരും ലോക്ക്ഡൗൺ ദുരിതത്തിൽ

ലോക്ക്ഡൗണിൽ കോടതികളുടെ പ്രവർത്തനം താളം തെറ്റിയതോടെ അഭിഭാഷകരും ദുരിതത്തിലായി. ഒരു മാസത്തിലേറെയായി വക്കീൽ ഓഫീസുകൾ മിടയ്ക്കും അടഞ്ഞുകിടക്കുകയാണ്. ഒരു രൂപ പോലും വരുമാനമില്ലാത്ത അഭിഭാഷകർ ഏറെയുണ്ട്. സർക്കാർ ഇടപെടൽ ഉണ്ടാകുമെന്ന പ്രതീക്ഷയിലാണ് വർ. ദുരിതത്തിലായ കൊല്ലം ബാറിലെ അഭിഭാഷകർക്ക് ബാർ അസോസിയേഷൻ സഹായധനം വിതരണം ചെയ്യുന്നുണ്ട്. മറ്റുള്ള അഭിഭാഷകരിൽ നിന്ന് പണം സ്വരൂപിച്ചാണ് ഫണ്ട് കണ്ടെത്തിയത്.

ബാർ അസോ. ധനസഹായം:

5,000 രൂപ

ഇതുവരെ നൽകിയത്:

79 പേർക്ക്



ദുരിതകാലത്ത് സഹപ്രവർത്തകരെ സഹായിക്കേണ്ടതുകടമയാണ്. ബുദ്ധിമുട്ടുണ്ടാകുന്നവർക്ക് സഹായധനം നൽകിത്തുടങ്ങി.

ധീരജ് രവി, പ്രസിഡന്റ്
കൊല്ലം ബാർ അസോസിയേഷൻ

This is the true copy of the document marked as Exhibit P3 referred in the above case

Counsel for the Petitioner