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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 1st June, 2020

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W.P.(C) 3298/2020 and CM APPL. 11567/2020, 11568/2020

GOVIND SWAROOP CHATURVEDI

..... Petitioner

Through: Petitioner in person.

versus

STATE OF NCT OF DELHI & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Advocate with Mr. Satyakam, Additional Standing Counsel for Government of NCT of Delhi, R-1.

Mr. K.C. Mittal, Chairman, Bar Council of Delhi, R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J.(Oral)

1. This hearing has been held through video conferencing.
2. The present petition has been filed by Mr. Govind Swaroop Chaturvedi, a practicing lawyer enrolled with the Bar Council of Delhi (*hereinafter*, “BCD”). The challenge is to the notification dated 17th March, 2020 by which the Govt. of NCT of Delhi (*hereinafter*, “GNCTD”) has directed implementation of the Chief Minister’s Advocates Welfare Scheme (*hereinafter*, “scheme”). The Petitioner’s case is that two conditions have been imposed for advocates who can avail of benefits i.e., that the advocate should be enrolled with the BCD and that the name of the advocate ought to appear in the Voter’s list of Delhi.

3. The Petitioner challenges the second condition on the ground that there are a large number of practitioners who are enrolled with the BCD and are living in the NCR region. Their primary practice location is the Delhi High Court and the lower Courts of Delhi. Though they are residents of the NCR region, since they are enrolled with the BCD, such practitioners ought not to be deprived of the benefits of the scheme.

4. Mr. K.C. Mittal, ld. counsel appearing for the BCD, submits that there are more than 1 lakh advocates enrolled with the BCD. Out of them, approx. 70% are from Delhi and approx. 20% are from the NCR regions of Noida, Ghaziabad, Gurgaon, Faridabad etc. Mr. Mittal submits that in so far as exclusion of advocates from the NCR region is concerned, he supports the cause of the Petitioner. He submits that almost 29,000 Delhi-based advocates have already been enrolled in the scheme. If the lawyers from the NCR region are excluded a substantial number of advocates registered with the BCD would not be able to avail of the scheme. He submits that the BCD has already decided to file a writ petition challenging this condition imposed by the GNCTD.

5. Mr. Rahul Mehra and Mr. Satyakam, ld. counsels appearing for the GNCTD, submit that they wish to place a proper reply on record. It is however submitted that since the Petitioner has not made any representation to the GNCTD, he may be directed to make a representation. Ld. counsels further submit that the scheme which has been floated by the GNCTD is not administered by the BCD nor is it a part of the Advocates Welfare Fund governed by statute. The present scheme is one which has been launched by the local Government for local people who are residents of Delhi. Thus, advocates residing in the NCR region have rightly been excluded. Ld.

counsels however submit that they are willing to place the case of the Petitioner before the competent authority and place the decision of the GNCTD on record before the next date of hearing.

6. After hearing the submissions of parties, it is clear that there are substantial legal questions that arise in this case, including the legality and validity of the second condition imposed by the Respondent. The '*Chief Minister's Advocates Welfare Scheme*' scheme announced by the GNCTD in 2019 contemplates Group (Term) Insurance for practising advocates providing life cover of Rs. 10,00,000/- (Rs. Ten lakhs) and Group Medi-claim coverage for advocates, their spouse and two dependent children upto the age of 25 years. The Minutes of Meeting dated 16th March, 2020 provide that:

*"the Scheme would be applicable to practicing advocates who are enrolled with the Bar Council of Delhi **and are also in the Voters' List of Delhi**".*

The second condition has been challenged by the Petitioner. Considering the Petitioner's stand and the stand of the Government, as also the BCD, issue notice to the Respondents. Let the Respondents file their respective counter affidavits within four weeks.

7. Considering the fact that there is an enormous health crisis due to the COVID-19 pandemic and the fact that the scheme relates to medical and group insurance there is an urgency in the matter. The question as to whether the scheme can be extended to all members enrolled with the BCD would require consideration by this Court. Accordingly, it is directed that Respondent No. 1 file its reply within a period of two weeks and take a stand on the averments made by the Petitioner in respect of exclusion of

lawyers from the NCR region. Similarly, the BCD shall also file its counter affidavit within two weeks. Mr. Shivang Dubey, ld. counsel appearing on behalf of the Bar Council of India is also directed to place his response on record within two weeks.

8. The Petitioner relies upon the enrolment form which is required to be filled at the time of enrolment with the BCD, which provides that a lawyer could be a resident of either Delhi or from the NCR Region in order to be able to enrol with it. Copy of this form may be filed with the Registry after serving advance copies to all counsel appearing today. The said submission would be considered on the next date.

9. List on 18th June, 2020.

PRATHIBA M. SINGH
JUDGE

JUNE 1, 2020
MR/T