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11. 29-8-2005

Upon hearing Miss Saraswati Pradhan, learned counsel for and on behalf of her senior counsel, Mr. A.K. Upadhyaya for the petitioner, Mr. J.B. Pradhan, learned Govt. Advocate for the State respondent, Mr. Karma Thinlay, learned Central Govt. standing counsel for respondent No.1, Union of India and Mrs. Anita Lepcha, learned counsel for respondent No.2 Bar Council of India and Mr. D.R. Thapa, the General Secretary of the Bar Association of Sikkim at some length, we are of the view that this matter can be disposed of at this stage considering the nature of the case. Accordingly, the case is hereby disposed of with the following short order:-

This writ petition in the form of PIL was filed by one Pandit Parmanand Katara, a lawyer practicing in the Hon'ble Supreme Court of India, for the following reliefs:-

11.3.05  
*[Handwritten signature]*



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- I. To declare and direct the extension of the applicability of The Advocates Act, 1961, in the State of Sikkim.
- II. To direct the respondents to establish the State Bar Council of Sikkim, under the Bar Council of India Rules.
- III. To award the cost of the litigation to the petitioner.
- IV. To pass such other orders guidelines and directions, as this Hon'ble Court may deem fit and proper, in the circumstances of this Public interest petition.

During the pendency of this case, the Ministry of Law, Justice & Co. Affairs, Department of Legal Affairs was pleased to enforce the provisions of Advocates Act, 1961 (Act No.25 of 1961) except Section 30 in the State of Sikkim w.e.f. 1-4-2005 vide Notification dated 17-3-2005 as seen in the document marked as Annexure-A to the Affidavit-in-opposition of Respondent No.6. It shows that

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		<p>No.1 relief had been afforded by the authority thus extending the Advocates Act, 1961 in the State of Sikkim. So far, the stand of the Bar Association of Sikkim, the respondent No.5 at this juncture, establishment of separate State Bar Council for the State of Sikkim at Gangtok is not necessary as the State of Sikkim has been included in the Bar Council of Assam, Nagaland, Meghalaya, Manipur, Mizoram, Tripura and Arunachal Pradesh which is common Bar Council of eight North Eastern States vide, Ministry of Home Affairs Notication dated 15-2-2000 (Annexure-C to the Affidavit-in-opposition of respondent No.6). According to us, at this stage the Bar Association of Sikkim is satisfied with the related decision of the Ministry of Home Affairs vide, Notification dated 15-2-2000 as mentioned above. Considering the existing facts and circumstances of the case, we are of the view that most of the reliefs sought for in this writ petition</p>	


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(PIL) have been afforded by the authority concerned. However, it is made clear that liberty is also given to the Bar Association of Sikkim to move for establishment of separate Bar Council at the right and appropriate time if so advised and likewise, the Bar Council of India, the respondent No.2 shall consider the case for establishment of separate Bar Council of Sikkim at the right and appropriate time if so advised. It is needless to give further direction to the Bar Council of 8 North Eastern States to make necessary arrangements for opening an office premises of the Bar Council at Gangtok for the convenience of all concerned. Accordingly, we do so.

For the reasons, observations and directions made above, this writ petition is disposed of but, no order as to costs.

  
(N. Surjamani Singh)  
Chief Justice (Acting)

  
(A.P. Subba)  
Judge