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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. : **4267/SF/2020**

Dated : **02.12.2020**

Sh. Narendra Modi,
Hon'ble the Prime Minister of India,
7, Lok Kalyan Marg
New Delhi - 110 011.

Subject: **Bar of Civil Court's Jurisdiction, under Farmers Laws and entrustment of same to SDMs/ADMs; regarding.**

Respected Sir,

Your kind attention is invited to the farmer's laws enacted by the government in the recent past, claiming them to be beneficial to the farmers in the Country, which is being seriously questioned. We notice massive agitation and protests against these laws by Farmers.

It seems while farming these laws, it was not brought to your kind notice that they are more detrimental to the interest of legal professionals, across the Country. The "Bar of Civil Court jurisdiction" will substantially affect District Court, as well as High Courts in some States. The nature of subject matters covered under these laws are so vast that all disputes up till now entertained by Civil Courts will be adjudicated by SDMs/ADMs, who are not part of regular Courts.

Sir, you may be aware that Revenue authorities under Land Reforms Act and Revenue Acts deal with limited matters, to maintain revenue records by Patwaries and other officers, but under the new laws, whole concept and scheme has undergone sea change. The new empire and its dimensions include areas of activities pertaining to Commercial matters, Inter State and Intra State issues, Transportation and other connected issues regarding Contract agreements, partnerships, appoint of and functioning of intermediaries who will act as agents (sponsor) under the Acts. It will involve Multinationals and other potential Companies in India

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and collateral incidental matters will arise during conduct of activities at different stages. The government should have unhesitatingly consulted and taken Lawyers into confidence, more so when Farmers Laws are simply not related to routine revenue matters, but matters which are basically contractual and commercial.

How can any litigation having civil consequences be given for adjudication to structure involving administrative agencies, controlled and run by executive authorities?

Your kind attention is invited to the constitutional provision for separation of Judiciary from Executive to maintain its' Independence and Probity as enshrined under the Constitution of India but by resorting to these laws, what is not permissible under our Constitution has been provided. It will substantially damage District Courts in particular and uproot the lawyers.

Under our Constitution a fine Pyramid of Justice Dispensation System has been envisioned. The District Courts are part of basic Structure and being the principle courts of Original Jurisdiction is the foundation of the pyramid. These Courts are at door step of people, where one can approach for access to justice but the trend in the recent past, is to destroy Courts. This will seriously jeopardize the interest of public, as getting justice at the doors of bureaucracy is far from reality.

Apart from advocates, the public at large will be deprived of justice. We are aware of working conditions which is less said the better. Undisputedly, these laws are not only detrimental to the peasants but also affects the lawyer's community, the litigants and the general public.

The mindset behind the move to oust jurisdiction of Civil Courts and transfer of power to bureaucrats, acting as executive officers, to decide

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disputes between the traders and the farmers, will lead to corruption, and touts will victimize unimaginably.

The government surreptitiously inserted such provisions, prejudicial to lawyers and litigants, which pose a serious threat to the judicial institution as well. The issues have wider implications and consequences, which they have not been addressed, while enacting the laws, however, the existing legal system can't be allowed to be eroded.

In fact, the strategy to hide and seek and introduce provisions to oust jurisdiction in this manner is highly inappropriate. We can't be unmindful of the fact that a strong judicial institution, to check administrative arbitrariness and unfair treatment is essential in a democratic republic and not an amenable executive authority. Introduction of Conciliation Board to be constituted by the SDMs, headed by his junior officer, as Chairman is distractive and unaccepted.

Shutting the doors of Civil Courts to entertain disputes, pertaining to the subject matter under these Acts will prove disastrous. The contents of offending provisions, do suggest role of some Sponsor, who is an agent of big business houses. As the subject matters substantially relate to Commerce and trade to include Commercial activities, introduction of Sponsors, LLPs, Partnership firms etc, in addition to establishment of Electronic Trading and Transaction platform; Execution of Farming Agreement; Trade and Commerce Agreements, apart from permitting a free sale in any part of country, the farmers can't be left high and dry at the mercy of touts, in the absence of lawyers. The sole purpose to "Bar jurisdiction of Civil Court's" deprives fair adjudication and determination of respective rights of farmers by application of judicial mind. The matters of high value and stakes involving complex and complicated issues, entertained by High Courts and District Courts, can't be expected to be adjudicated by SDMs, as Sub-Divisional Authority and Collector, as



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Appellate Authority. We are perhaps going to pre constitution era, to hand over judicial functions, within the domain executive bosses.

Please don't forget that Judiciary, as a watchdog protects the rights of citizens and transfer of judicial powers to untrained executives, will create Institutional crisis.

SDMs/ADMs are always under the command of their bosses, which is antithesis to judicial independence and discipline. The rule of separation of powers can't be compromised.

The Bar has been protesting against transfer of litigation from various Courts to governmental or semi governmental authorities, directly or indirectly controlled by the executive authorities. People suffer due to deprivation of justice by such governmental authority. Conferment of judicial powers to executive will completely destroy the system and will render people helpless to get justice.

We may not blame them for excessive executive powers, but giving judicial powers is dangerous and a blunder. Only thumb rule will prevail, which is destructive and unbearable.

Legal profession is facing serious challenges and such legislations will add more to their miseries. Undoubtedly it denies fair and adequate opportunities to lawyers. Even a litigant is deprived of proper and fair adjudication of their rights, as in the absence of assistance by lawyer, no justice can be rendered, an undisputed proposition. It seems the establishment is averse to courts and wants justice delivery system under their thumb.

Further, by excluding application of essential commodities law, the government has left the general public to suffer at the hand of hoarders and black marketers. It is a well known practice to create artificial scarcity of food items by hoarding for rise of prices and extort the Consumers.

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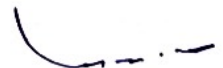
Justifiably, farmers are agitating across the country for remunerative prices for their produce, but being victimized to give benefit to hoarders and black marketers by legislative process is a legalized way for financial advantages to a particular class, which certainly is not in public interest.

Sir, you must also be aware that a large number of farmers are agitating on the borders of the Capital. You are also champion of the cause of masses and while you were not in power, you always said that right to protest is a universal right and whenever enactment or any act of the Government is not suitable to masses and there is an agitation, then Government in power must listen to their grievances and come out with an amicable solution.

We, therefore, earnestly request your goodself knowing that you are a man of masses, to immediately withdraw these legislations pertaining to farmers. We further request you that after withdrawing this impugned legislation, give an audience to the leaders of the farmers to come out with an amicable solution and then may bring the legislation, which may be in the welfare and upliftment of the farmers of the country.

Thanking you,

Yours faithfully,


Ramesh Gupta