

Dated: - 25.06.2020

HON'BLE THE CHIEF JUSTICE OF SUPREME COURT OF INDIA
NEW DELHI

May it please Your Lordships:

The Executive Committee members of the J&K High Court Bar Association, Srinagar, are submitting this representation, with this hope that Your Lordships would consider and pass appropriate orders, so that the grievances so projected in this representation are redressed.

The Executive Committee members of the J&K High Court Bar Association, Srinagar, represent more than 1500 lawyers practicing in the High Court of Union Territory of J&K at Srinagar as well as in District and other Subordinate Courts at Srinagar. After 5th of August, 2019, the fraternity of the lawyers particularly in District Srinagar have faced tremendous hardships particularly after 14th of March, 2020 when the whole valley was put under lockdown on account of the rapid spread of COVID-19 Pandemic.

With all the humility at our command, we the Executive Committee members, would like to apprise Your Lordships that the J&K High Court Bar Association, Srinagar, apart from pleadings the cases

of the public at large covering different fields is also pleadings the cases of the detenus booked under Public Safety Act and also provide assistance to the accused persons booked under various provisions of the law including TADA/POTA and ULA(P) Act etc. Roughly the Association might have pleaded more than 30000 of Habeas Corpus Petitions since 1990 till date.

After 5th of August, 2019 nearly 13000 persons from Kashmir Valley were arrested u/s 107/151 of J&K Criminal Procedure Code and after few days or weeks hundreds were booked under the PSA and are lodged in various jails of India. Our President Mr. Mian Abdul Qayoom, Advocate had also been detained under PSA vide order No. DMS/PSA/105/2019 dated 07.08.2019 and continues to be so and at present is lodged in Central Jail, Tihar.

The members of the J&K High Court Bar Association, Srinagar under these prevailing circumstances, have faced lot of problems vis-à-vis their profession, livelihood and other collateral matters, which the Association had tried to project before Hon'ble The Chief Justice of Common High Court of Union Territory of J&K but failed to evoke any response.

Hon'ble The Chief Justice of Hon'ble High Court of Union Territory of J&K had met the members of the Executive Committee of the J&K High Court Bar Association, Srinagar a week before the lockdown, the

committee brought into the notice of Her Lordships, the problems of the members of the J&K High Court Bar Association, Srinagar, which they were facing but till date no concrete steps were taken by Hon'ble The Chief Justice, High Court of Union Territory of J&K, for resolving said problems.

After Hon'ble The Chief Justice High Court of Union Territory of J&K made the Courts functional through virtual mode the committee tried to have another meeting with the Hon'ble The Chief Justice but unfortunately there was no response from the office of Her Lordships. These problems faced by the lawyers continue and the members of the Association are complaining to the Committee and in fact blames the Committee that it has failed to redress their grievances, which grievances can be resolved with the intervention of Hon'ble The Chief Justice High Court of Union Territory of J&K.

These are the reasons which the Hon'ble Chief Justice has failed to take any decision, nor has met the Executive Committee which compelled the Executive Committee members of the J&K High Court Bar Association, Srinagar to make this representation to Your Lordships and hope that Your lordship may pass appropriate orders for resolutions of the problems.

The problems faced by the members of the J&K High Court Bar Association, Srinagar which are projected by the Executive Committee of the J&K High Court Bar Association, Srinagar are as under: -

- a) Since 6th of August, 2019, more than six hundred Habeas Corpus Petitions have been filed before the Hon'ble High Court of Union Territory of J&K at Srinagar and till date not even 1% of such cases have been decided by the J&K High Court
- b) Writ petition of the President of the Bar Association Mr. Mian Abdul Qayoom, Advocate, filed immediately after 05th of August, 2019 was heard and decided by the Ld. Single Judge on 07.02.2020. LPA was preferred against the judgment of the Ld. Single Judge and on 28.05.2020 the appeal was decided. The history of the case is projected to apprise Your Lordships that even in case of the President Bar Association nearly 09 months' time has been taken by the Hon'ble High Court to decide the Habeas Corpus Petition. The petitions filed in August/September, 2019, are yet to be heard by the Hon'ble High Court.
 - a. The first problem which the lawyers who conduct these cases is that no direction has been given by Hon'ble The Chief Justice, asking the Registrar Judicial to list these HCPs before every Judge irrespective of their daily roster, so that the

petitions are decided within 14 days as per the Rules formulated by the Hon'ble High Court with regard to the HCPs.

b. After the Abrogation of Article 370, all the Service Writ Petitions stand transferred to The Central Administration Tribunal, Jammu from the Srinagar Wing of the Hon'ble High Court, were nearly 45000 Service Writ Petitions were pending alongwith Misc. Applications. Despite the fact that on 28.05.2020 Ministry of Personal and Public Grievance and Pensions issued a notification No. 317E that the Central Govt. specifies Jammu and Srinagar as the places at which the Benches of CAT shall ordinarily sit for the Union Territory of J&K and UT of Ladakh. On 28.05.2020 another notification no. 318E was issued that the Jammu Bench would have the jurisdiction over UT of J&K and UT of Ladakh. Accordingly, the cases of Srinagar Bench are not being taken up nor the Bench has held a single sitting in Srinagar since the date of said notification. Not only the lawyers but public at large particularly the litigants whose cases stand transferred to the CAT suffer because their cases cannot be heard by Hon'ble High Court. These grievances were projected but were not redressed by Hon'ble The Chief Justice.

Because of restrictions of operation of 4G in J&K, it is very difficult to argue the matters through virtual mode, though, an option is given to the counsel to appear before the Court. The lawyers whose cases are listed are allowed to enter the court premises but their clerks and juniors are not allowed disabling the lawyers to assist the courts properly.

The Executive Committee members of the J&K High Court Bar Association, Srinagar who represent 1500 members of the Association hope that Your Lordships will consider the same and pass appropriate orders so that the grievances of the members of the J&K High Court Bar Association, Srinagar are redressed.

The Executive Committee members of the J&K High Court Bar Association, Srinagar, would be honoured to have a meeting with Your Lordship, if Your Lordship so desires, so that the Executive Committee members can project the problems in its right perspective.

Aijaz Bedar, Advocate
Vice-President,

Mohammad Ashraf Bhat, Advocate
General Secretary,

Adil Asimi, Advocate
Joint Secretary,

Bilal Ahmad Wani, Advocate
Treasurer

Copy to:-

The Chief Justice of Common High Court of Union Territory of J&K