

K.C. Mittal
ADVOCATE
Chairman
Bar Council of Delhi



Mob. : 9312287025
Phone : +91-11-26498356, 41752340,
45603795, 45603739, 43559586
E-mail : kcmittal@yahoo.com
barcouncilofdelhi@rediffmail.com
Web. : www.delhibarcouncil.com

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. : 1358/ SF /2020

Dated : 18-08-2020

APPEAL

Dear Colleagues,

We all have been facing a precarious condition due to pandemic since March, 2020, when the lockdown was imposed by the Government of India. The conditions due to total closure of the Courts led to worse financial crisis even to survive, despite possible help by Bar Council and respective Bar Associations.

The continued closure for more than 5 months, with no certainty to open physical functioning added to agony in prevailing conditions of spread of Corona Virus. The necessity for physical functioning of the courts was eagerly awaited to enable advocates to earn their livelihood. This issue was raised before Hon'ble the Chief Justice and other Hon'ble Judges of the High Court of Delhi through various representations and discussions with representatives of Bar Associations, since the conduct of court proceedings through video conferencing was not accessible to most of the advocates, despite providing video conferencing facilities within the precincts of various courts.

It is a fact that from 23.03.2020 to 31.07.2020, as far as the High Court of Delhi and District Courts are concerned, large number of matters were taken up, initially only the urgent matters and subsequently even regular matters, making almost all Courts functional, but the hearings were confined through video conferencing as a precaution from spread of Corona Virus. It is also a fact that during this period, in the Hon'ble High Court of Delhi, total number of 13934 cases were listed, and a total of 21599 main cases/applications were registered, out of which 2813 main cases and 11641 applications were disposed off. Similarly, in various District Courts, during the months of April, May, June and July, 2020, total number of 21600 cases/applications were filed and a total number of 67475 cases were

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taken up through video conferencing whereas in 3725 cases, judgments were pronounced. These numbers are perhaps the largest compared to other Courts, which could be possible because of the cooperation of Bar Council, Bar Associations and Advocates at large.

Vide communication dated 16.08.2020, the Registrar General, High Court of Delhi has stated that, To begin with, on experimental basis, around one-fourth of the courts can resume physical functioning on a rotational basis w.e.f. 01.09.2020 and rest can continue taking up matters through video conferencing. A comprehensive plan to regulate the functioning of the Courts is under preparation. This step is in the right direction for resumption of court working and the onus is on all of us to make it success.

We are in a situation between devil and deep sea, since on the one hand, we are facing financial crisis but at the same time, eminent danger of spread of corona virus is looming large. We appreciate the efforts of Hon'ble the Chief Justice and other Hon'ble Judges, to commence physical hearing on experimental basis, one-fourth courts can resume gradually w.e.f. 01.09.2020, which is a commendable decision taken for the first time by any High Court.

According to the available information, in Punjab & Haryana, Gujarat, Mumbai and other High Courts, there is no move so far, for physical opening, except Video Conferencing of urgent matters. In Chhattisgarh also, no physical work till 05.09.2020. In between, attempts were made to open for 4/5 days, but had to be closed, since many got infected. In the state of Rajasthan, Hon'ble Chief Justice and many other staff were found positive and after opening for few days, it was closed. In Uttar Pradesh also, the situation is more or less similar and since many lawyers and others got infected, the Allahabad High Court has been closed until 17.08.2020.

We noticed that a section of colleagues in the profession are against resumption of physical hearing, but it is not appropriate time for

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raising voice in favour or against physical hearing, since the model which is going to be implemented is on experimental basis and we hope it will protect the interest of all the stakeholders in the system.

Considering the gravity and complexity of the matter, we would appeal to all Advocates to fully cooperate and make use of the physical opening of courts on rotational basis, to mitigate the hardship and it is time for the Coordination Committee and Bar Associations, and the Advocates in General, to come forward to assist Hon'ble the Chief Justice and other Hon'ble Judges of High Court of Delhi to put in place a comprehensive plan and ensure that there is due compliance of the same, to obviate any adverse situation.

We hope and trust that everyone would join together to overcome the present situation.

With regards,

(K.C. Mittal)
Chairman