



Bar Council of Punjab & Haryana

Law Bhawan, Dakshin Marg, Sector 37-A, Chandigarh - 160036

Ref. No. 3040/2020

Dated 02/10/2020

To

The Hon'ble Chief Justice
Punjab and Haryana High Court, Chandigarh

Sub:- Representation for starting physical hearing.

Due to the occurrence of Covid-19, The Lockdown was imposed by the Government on 25.3.20, which brought the entire functioning of the courts to a standstill. Now the relaxation in the lock down was given by the Government in different phases lifting the restriction basically to revive the economy of the nation. Now under the recently issued unlock-5 guidelines even theaters, education institutes are allowed to re-open and w.e.f. 15.10.2020 almost all commercial and other institutions have been allowed to start functioning. The Parliament and the State Assemblies had their sessions. Even various examinations are being held in the near future. The Assembly elections to Bihar Assembly have been announced by the Election Commission of India. The various Hon'ble High Courts of different states have started physical hearing to mitigate the pangs of common man striving for justice. The States where the impact of covid-19 was more severe then Punjab and Haryana, have their Hon'ble High Courts starting physical hearing of the cases. The details of these Hon'ble High Courts are as under:-

1. In Delhi High Court and Subordinate courts physical hearing has been started in 30 % of courts.
2. In Uttar Pradesh High Court and Subordinate courts in 65 Districts physical hearing has been started.
3. In Bihar physical hearing in all the courts is starting from next week.
4. In Tamil Nadu 6 courts are working physically in High Court and most of subordinate courts physical hearing has started.
5. In Karnataka partial physical hearing has been started in High Court and subordinate courts.
6. In Kerala partial physical hearing has been started in High Court and subordinate courts.

The majority of the members of legal fraternity are entirely dependent upon the noble profession to sustain their families, except handful of Senior Designate Advocates who are thriving and common Advocate is suffering. These Designated Senior Advocates have the financial fortitude to withstand years of lockdown. The vast majority of the members of the Bar are ordinary advocates who are earning their livelihood and also serving the common man by providing affordable assistance to justice seekers. In our Hon'ble High Court there has been no



designation of Advocate as senior Advocate for the last almost 7 years. Even, the Hon'ble Supreme Court has directed in the matter of Indira Jaisingh to conduct this administrative exercise twice in a year. Such situation has made the justice delivery system beyond the reach of a common man.

Now when almost all the restriction have been substantially relaxed by the Government of India and also keeping in view pandemic has adversely effected the members of legal fraternity which has not been provided any succor or incentive by the Government in-term of financial assistance, there is wide spread feeling of frustration and demand of the advocates of Punjab, Haryana and Chandigarh with regard to opening of Courts and starting physical hearings in all courts across Punjab, Haryana and Chandigarh including Punjab and Haryana High Court. The Bar Council being the Statutory Body is conscious of the pangs of advocates and is equally concerned anxious about the plight of the advocates and the common man. The Judiciary is one of the strongest pillars of this largest democracy in the world which upholds the majesty of law.

The Bar Council has on various occasions conveyed the sentiments and the problems of the members of the Bar to the Hon'ble Chief Justice and the Administrative Committee of the Judges of the Punjab and Haryana High Court to start physical hearing in all the Courts of Punjab, Haryana and Chandigarh. The Bar Council humbly request the Hon'ble Chief Justice to atleast start physical hearing in 50% courts simultaneously with virtual hearing. The Bar Council is sending this representation on behalf of all the Advocates of Punjab, Haryana and Chandigarh with earnest hope that the Hon'ble Chief Justice will heed to the request of legal fraternity and start the physical functioning of 50% courts by 12.10.2020, otherwise, the Bar Council will have no other option except to resort to peaceful agitation in order to provide some comfort to the advocates who are keenly waiting for the re-opening of Hon'ble Courts. The Bar Council will hand over a memorandum to the Hon'ble Governors of Punjab and Haryana on 12.10.2020 before resorting to agitation in anticipation of some tangible solution to the problems being faced by the legal fraternity and common man. The following methods would be adopted to peacefully and democratically to press for their demands.

1. Chain hunger strike w.e.f 13.10.2020 in which everyday five advocates will sit in the high court premises as well as in the Districts Courts.
2. If the physical functioning of the court is not started in phased manner, w.e.f 26.10.2020, then the advocates would restrain attending virtual courts.




(Karanjit Singh)
Chairman