

ORDER

Re: Situation arising due to outbreak of  
Novel Corona Virus (COVID-19)

A meeting was held on 08.01.2021 in the Old Conference Room. It was presided over by Hon'ble the Chief Justice and was attended by members of the Hon'ble Administrative Committee, the Chairman of Bar Council of Punjab and Haryana and members of the Committee formed by the Bar Council of Punjab and Haryana including the President, High Court Bar Association vide its resolution dated 03.01.2021. It was decided that physical hearing would be started in some Courts after deliberating and discussing the issue with all Authorities. In its proceedings dated 08.01.2021, the Bar Council of Punjab and Haryana duly referred to the deliberations carried out in that meeting.

In pursuance to the meeting held on 08.01.2021, a letter was issued on the same day to all District and Sessions Judges to permit physical hearing in all categories of cases. With regard to the High Court, 03 Court Rooms were set up for physical hearing.

On 26.01.2021, it was notified vide Order No.47/RG/Spl/ Misc. dated 26.01.2021 that in addition to the present system of hearing matters through video conferencing, physical hearing would commence. It was also notified that, in the first instance, all criminal appeals where the accused is/are in custody would be heard. A list of more than 1100 such appeals was published on 27.01.2021. As per the order dated 26.01.2021, parties seeking physical hearing from the aforesaid list of cases were required to file applications for physical hearing with the consent of opposing counsel. Despite issuance of Order/Notice No.48/RG/Spl/Misc dated 27.01.2021 publishing the list of cases, no request for hearing was received from any advocate and therefore no case could be listed for physical hearing. The Standard Operating Procedure for physical hearing was also issued vide Order No. 50/RG/Spl/Misc dated 29.01.2021.

In the meantime, MHA guidelines were issued on 27.01.2021 which were to come into force with effect from 01.02.2021. To discuss as to how the physical hearing could be started, keeping in view the fact that no application for physical hearing had been received and also keeping in view the guidelines issued by the MHA, a meeting was convened on 31.01.2021

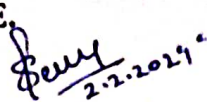
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at 04:00 P.M. in the Old Conference Hall. In spite of being invited to attend the meeting, no representative of the High Court Bar Association attended the said meeting. The matter was discussed with those present which included the learned Advocate General, Punjab, learned Additional Solicitor General, Govt. of India and Standing Counsel for the Union Territory, Chandigarh. The matter was also discussed with learned Advocate General, Haryana on telephone as he could not attend the meeting because of some personal medical emergency. Learned Advocates General for Punjab and Haryana, learned Additional Solicitor General and the Standing Counsel for Union Territory, Chandigarh with a view to facilitate physical hearing gave their consent for the physical hearing of criminal appeals and stated that the State/U.T. would be duly represented.

In view of consent given by learned Addl. Solicitor General, the learned Advocates General of Punjab and Haryana and Standing Counsel for U.T. Chandigarh and in pursuance of the assurance given on 08.01.2021 to the Committee appointed by Bar Council of Punjab and Haryana and in continuation of Order No.47/RG/Spl/Misc dated 26.01.2021, Order/Notice No.48/RG/Spl/Misc dated 27.01.2021 and Order No.50/RG/Spl/Misc dated 29.01.2021 for commencing limited physical hearing, the Hon'ble Administrative Committee has resolved that :-

- (i) Initially, Three Hon'ble Single Benches will hold court through physical mode in the designated court Rooms w.e.f. 08.02.2021 (Monday), to take up the cases of their respective cause-list apart from the cases notified on 27.01.2021. The number of courts will be increased gradually keeping in view the infrastructure/installations, medical advice, MHA guidelines and other safety measures.
- (ii) In case of any grievance or any problem faced by anybody regarding the functioning of courts through physical hearing, the same shall be dealt with by the Special Committee constituted by Hon'ble the Chief Justice.

**BY ORDER OF HON'BLE THE CHIEF JUSTICE,**

  
(Sanjiv Berry)  
Registrar General  
02.02.2021