

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU

Subject:- Resumption of physical hearing of cases.

Order

No:839/RG

Dated: 03.02.2021

Keeping in view the latest SOPs of the Government of India and Government of UT of Jammu & Kashmir relating to relaxation in restrictions regarding containment of COVID-19 and also the considerable decline in daily number of COVID-19 cases, by virtue of Full Court Resolution dated 31.05.2020, in modification of the previous orders/circulars on the subject issued by the High Court of Jammu and Kashmir from time to time, the physical hearing of the cases in the High Court of Jammu and Kashmir as well as in the District and Subordinate Courts and Tribunals in UTs of Jammu & Kashmir and Ladakh shall resume with effect from 08.02.2021. However, with a view to ensure that there is no complacency against the spread of COVID-19 infection, following protocol shall be observed:

1. All latest SOPs of the Central and UT Government regarding gathering at public places shall be followed in letter and spirit.
2. With effect from 08.02.2021, Advocates shall be allowed entry into the Court premises. However, Advocates shall themselves restrict their entry in a manner that only those Advocates enter the Court building on a given day whose cases are listed on that day before any of the Bench/Court.
3. On entry into the Court building, Advocates shall strictly maintain the social distancing SOPs while waiting for hearing of their cases. They shall not huddle either in the well or in the gallery outside the Court Rooms. As and when their cases are finished they shall make an endeavour to leave the court premises at once.
4. Entry of the Advocates into the Court rooms shall be regulated case wise. General entry in Court rooms shall continue to remain prohibited. Only such Advocates shall be allowed entry into a Court room as may be representing a party in a given case upto the maximum of two Advocates for each party. As and when a case is called/displayed on a Display Board fixed outside the Court room, the appearing Advocates may enter the Court room and shall maintain a distance of six feet between themselves. In the gallery, outside the Court rooms, at the most, Advocates representing the parties in other two following cases according to serial number in the cause list shall wait for their turn, again maintaining the requisite distance. As and when the Advocates

- finish their case in the Court room and exit it, they shall immediately leave the gallery and not stand there.
5. Entry of Clerks and Agents of the Advocates into the Court rooms shall continue to be prohibited for the time being.
 6. Entry of litigants and public into the Court premises from the very outer gate shall continue to be prohibited. If, however, any litigant on any reasonable ground is compelled to argue his case personally, he shall be allowed entry into the Court premises subject to the condition that he makes an application at least two days prior to the date of hearing through e-mail to the Registrar Judicial/Presiding Officer of the Court disclosing such compelling reasons and seeking permission in that regard. If and when any such application is made by any litigant, the Registrar Judicial/Presiding Officer concerned shall consider the same and, if satisfied, may permit such litigant to enter into the Court premises and inform the litigant of such order by return e-mail. A copy of such order shall also be sent by the Registrar Judicial/Presiding Officer concerned to the Incharge, Security at the main gate of the Court premises for necessary action.
 7. If in a given case one of the party appearing through Advocate insists for virtual hearing for any reason such as inability to appear physically, the Court may, if necessary, permit him/her to argue through virtual mode and the other party may present his/her case physically or the matter may be adjourned with consent of the parties provided that advance notice for such virtual hearing is given to the concerned Bench Secretary at least a day before.
 8. Entry of the clerical staff of the Advocate General's office or of any Standing Counsel of any Department or any Government Officer shall continue to be prohibited in the Court rooms for the time being, unless specifically summoned or called by any Court.
 9. For the time being, Advocates are free to file their cases, applications etc., either physically or by virtual mode.
 10. The entry of Advocates in the office rooms/branches of the High Court Registry/Courts shall continue to be prohibited.
 11. For the time being issuance of cause list of the High Court in hard/printed form shall continue to be suspended and shall be issued in the soft form and made available on the official website of the High Court.
 12. The aforesaid relaxation of entry into the Court premises shall be only 09.30 am till 05.00 pm on each working day so as to enable the sanitizing teams assigned for the purpose to carry out sanitization of the premises according to the standing procedures in that behalf.
 13. The Registrars Judicial of the High Court/PDJs shall ensure that the latest SOPs and instructions on the subject issued by the Central and UT Governments and the protocol herein set by the High Court are strictly adhered to and in that behalf all necessary arrangements are made in the Court premises. In this regard, all the Advocates are requested to cooperate with the Registrars Judicial/Presiding Officers or any

Officer/staff, Security Force personnel posted at the entry points of the Court complexes/Court rooms entrusted with the task of implementing the aforesaid protocol.

14. The canteens located in the premises of the Court Complexes are also permitted to be opened and run with effect from 08.02.2021 subject to the strict observance of all the relevant SOPs, instructions etc. referred to hereinabove. However, the canteen holders shall restrict/reduce the attendance of their workmen to 50% of their respective roll of employees. They shall furnish the list of their employees and their daily work roster for maintaining 50% attendance to the respective Registrars Judicial/PDJ who shall provide an authenticated copy of such daily work roster to the Incharge Security at the main gate of the Court complex so as to enable them to identify these civilian employees and to allow them to enter into the Court premises.
15. This protocol will be reviewed periodically depending upon the trend of spread of COVID-19 infection.

Sd/
(Pankaj Mithal)
Chief Justice

No: 26976-27015/RG

Dated: 03.02.2021

Copy of the above forwarded to:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K, Jammu.
2. Secretary to Hon'ble Mr/Mrs Justice _____
..... for information of their Lordships.
3. Registrar Vigilance, High Court of J&K, Jammu.
4. Registrar Rules, High Court of J&K, Jammu.
5. Registrar Computers, High Court of J&K, Jammu.
6. Registrar Judicial, High Court of J&K, Srinagar/Jammu.
.....for information.
7. All Principal District and Sessions Judges of the Union Territories of Jammu and Kashmir and Ladakh with the request to circulate the same among Judicial officers within their respective jurisdiction.
8. President, All Bar Associations in the UTs of Jammu & Kashmir and Ladakh for information.
9. In-charge NIC for uploading the same on the official website of High Court of J&K.


03/02/2021
Registrar General