

OFFICE OF THE DISTRICT AND SESSIONS JUDGE, HAMIRPUR DIVISION

No.DSJ/(HMR)EC/5-1/85-222
Dated: 13th, January, 2022.

***OFFICE ORDER ***

The Hon'ble High Court, vide its order No.HHC/RG/C-19/2020-17- dated 11th January,2022, has issued certain guidelines regarding the functioning of the District Courts, in view of the recent surge in covid-19 cases.

While implementing the aforesaid directions, many people including litigants, witnesses, besides court staff and Advocates, will visit the court premises. Accordingly, in order to implement the aforesaid instructions of Hon'ble High Court, the safety measures in the Court Complexes of this Civil and Sessions Division, and to ensure smooth conduct of cases, the following instructions are issued in public interest:-

Case Management

1. Every Court shall fix lesser number of cases, so that there is no congestion and overcrowding in the court complex and the instructions regarding social distancing etc. are adhered to, in letter and spirit.
2. In cases, which were fixed for service of the parties, the Advocates will file their Power of Attorney in the court. However, in such cases, the parties need not be produced personally in the Court, unless otherwise directed by the courts.
3. In cases, where reply, written statement, rejoinder etc. have to be filed, the presence of parties shall not be required, unless otherwise directed by the courts, to avoid congestion in court complex.
4. In cases of evidence in civil matters, the Advocates may file the affidavits of examination-in-chief of witnesses, with spare copies of the parties, three days in advance in the Court, before the date of actual hearing, and supply the soft copy thereof to the opposite counsel in advance, through digital mode. The Courts will ensure that not more than three witnesses are called in the Court, in a day for cross -examination.
5. In criminal cases, where the accused are under-trial, the counsel/P.P./APP may request for recording the evidence of the witnesses through video-conferencing and in case the witness is to be produced in the Court, then, not more than three witnesses shall be called in a day, so that there is no congestion inside and outside the Court room at the time of recording evidence. However, in any of the above cases, the Courts may consider the exemption applications favourably.
6. In Criminal matters, the court may consider the exemption applications favourably during arguments and the presence of the accused may be insisted only at the time of judgment. In other matters, i.e. criminal appeal, criminal revision etc., the Court may not insist on the presence of the parties and the Advocate/P.P. can address the arguments before the Court, even in their absence, unless the courts finds the presence of the parties necessary.

7. Where the police officials are witnesses and are posted in police stations/police line/Battalions, where some officials have tested positive, they need not appear as witness and they may request for their exemption through Superintendent of Police in writing/mail or through PP/APP orally.
8. The Courts should not insist personal presence of under-trial prisoners in the courts and wherever possible their presence should be ensured through video-conferencing from jail.
9. The courts may fix only one case for hearing arguments in Civil/criminal cases in a day.
10. The Motor Vehicle Challans may be taken up for disposal by the Magisterial courts in such a manner that there is no over crowding in the courts. In this regard the Id. CJM may guide the MTM and JMFC's. Wherever permissible, the accused may be issued special summons under section 208 M.V.Act, for the disposal of the challans.

Court Complex/office Management

11. The Judicial Officers of this Civil and Sessions Division, wherever required, shall provide the masks, gloves, mops/vipers and disinfectant etc. for use by the Safai Karamcharies of concerned courts/court complexes, by making purchase, as per Rules. The Safai Karamcharies, assisted by other Class IV employees, shall carry out the sanitization work of the court complexes twice a day. They shall ensure that each and every place, including toilets/washrooms of the court complex is neat and clean. They shall spray freshly prepared **1% sodium hypochloride solution**, in all the commonly touched surfaces, like door handles, wooden railings of the stairs/passages, office tables in the chamber of Presiding Officers, Staff, court room, witness boxes, windows of the filing counter, benches where people sit in the corridors, alongwith other furniture used by the litigants/witnesses/Advocates inside the court building/litigants hall, twice a day.
12. All the Staff members and Advocates, are impressed upon, not to crowd at any particular place in the court premises and no person, other than the lawyers, Public Prosecutors/APP's, Police Officers/Officials, in connection with civil/criminal cases and court staff, shall enter the premises. The other persons/litigants shall enter the court premises, after showing the **e-Pass**. The entry shall be permitted after thermal scanning.
13. The persons, so entering the court complexes shall maintain social distancing inside the complex and use hand sanitizer at frequent intervals. But, if he /she has the symptoms of headache/ sore throat/ cough cold/ running temperature/myalgia etc., then he/she shall avoid entering the complex and consult the health authorities first.
14. The Superintendents of the offices, should place necessary stickers prohibiting spitting openly in the court complex and disposal of used napkins and tissue papers etc., in the open areas. For this purpose, they shall ensure that tissue papers and napkins, are disposed of in the dustbin, provided in the area of washrooms.
15. Non-essential visits to the Court premises are discouraged and accordingly, the entry of casual visitors shall remain restricted until further orders.



16. The lawyers may advise the litigants not to visit the courts, unless their presence is required/directed by the courts, till further orders.
17. The President and General Secretary of the respective Bar Associations may issue necessary directions to the members of Bar, in order to ensure that there is no crowding in the Court complex, including the lawyers chambers/bar Rooms/litigants hall. They should also observe all the health advisories, issued by the Health Department from time to time, including social distancing and use of hand sanitizers, etc.
18. The Kiosk, which is being used by the General Public for case information, shall not be used until further orders, as it has touch screen.
19. Wearing of face cover/mask (covering nose to chin area), shall be mandatory for entering the court complex.
20. No function shall be held within the Court complexes, to avoid mass gathering, till further orders.
21. The employees are advised to maintain personal hygiene and social distancing, resort to frequent hand washing, avoid unnecessary travelling, cover their nose/mouth while sneezing and coughing with handkerchief or tissue or flex elbow. They are also advised not to shake hands or spit in public.
22. The Process Servers moving out of the office for the service of the summons/notices, will preferably use gloves, hand sanitizer etc. They shall ensure that they do not enter Containment Zones. While entrusting the notices/summons, the concerned Nazir shall ascertain before hand that the summons/notices do not pertain to the Containment Zone.
23. There shall be strict ban on use of Gutka, tobacco, bubble gum and chewing gum in the court premises.
24. The Drivers are directed to sanitize the vehicles and disinfect all door handles, (inside and outside), and steering wheel, before pickup and after dropping the officers.
25. Lawyers/Bar Clerks/Litigants/Naib Courts/police officials etc., shall be advised by the Office Superintendents/staff, not to use saliva, while affixing court fee stamps on the application/petitions to be filed in the courts or flipping pages of the judicial files.
26. Court staff is also directed to not to use saliva, while doing the pagination of files, on the envelopes containing letters, summons/notice etc..
27. The court Staff and Bar Clerks shall display their Identity cards prominently.
28. No person, who is not vaccinated, shall be allowed to enter the court premises.
29. Except in case of medical requirements/ emergency/ exceptional circumstances, no leave/ station leave / leave of any kind, will be allowed to any Officer/ Official, till further orders.

The Judicial Officers concerned shall also regularly ensure that these instructions are followed in letter and spirit by all concerned. The Chairman of the Disaster Management Committees of various courts, constituted under section 39 of the Disaster



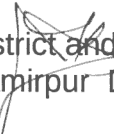
Management Act, 2005, must ensure that these instructions and the measures to be taken by them, are implemented for the safety of all.


(J.K. Sharma)
of District and Sessions Judge,
c Hamirpur Division.

Endst. No. DSJ/(HMR)EC/5-1/85 - 223 - 231 Dated: 13th, January, 2022.

Copy forwarded to:-

- a. The Registrar General, Hon'ble High Court of HP.
- b. All the Judicial Officers of this Civil and Sessions Division, for information and necessary action.
- c. The District Magistrate, Hamirpur, for information.
- d. The Superintendent of Police, Hamirpur, for information.
- e. All the Bar Presidents of Hamirpur Division, for information.
- f. The District Attorney, Hamirpur, for information.
- g. The Superintendent, District Jail, Hamirpur, for information.
- h. The Civil Nazir of this office, for information and necessary action.
- i. Guard file.


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