

**OFFICE OF THE DISTRICT JUDGE, PASCHIM BARDHAMAN**  
**AT ASANSOL**  
**(ENGLISH DEPARTMENT)**

**Order No. 115 / (G) dated June, 12<sup>th</sup>, 2020**

In compliance with Hon'ble Court's Notification No. 1597-RG dated 05.06.2020, all the courts within the Judgeship of Paschim Bardhaman have resumed functioning in limited manner from, June 8<sup>th</sup>, 2020 following all advisories and directives issued by the Government for the purpose of maintaining social distancing norms and hygiene in order to prevent spreading of CORONA Virus infection.

In view of the order no. 107-G dated 06.06.2020 all courts have started preparatory works like regularization of pending records, court diary, cause list, arrangement and updation of undated cases in the CIS.

On 08.06.2020 two separate meetings – one with the officials of Paschim Bardhaman District Bar Association and other with the officials of Durgapur Bar Association, were held. In course of meeting, the Durgapur Bar Association has put forward some suggestions in writing. On 11.06.2020 the Paschim Bardhaman District Bar Association submitted proposals for physical functioning of the courts. Vital proposals submitted by the Paschim Bardhaman Bar Association are as under :

1. Physical functioning of courts should start on and from 15<sup>th</sup> June, 2020.
2. Criminal Courts and Civil Courts should be opened on alternate days.
3. Court of the learned District & Sessions Judge, Court of learned Chief Judicial Magistrate, 50 per cent of the Courts of Additional District & Sessions Judges, Fast Track Courts and Court of one Civil Judge (Senior Division) should be made functional on all working days.
4. Two Courts of Judicial Magistrates and two Courts of Civil Judge (Junior Division) should be made functional on each day selected for their functioning.
5. Court hours should be restricted up to to 2:00 p.m.
6. At this stage no trial, lengthy hearings should be held.
7. Maximum number of 20 surrender applications should be accepted by the learned Chief Judicial Magistrate.

8. Put up applications should be be entertained in suits relating to mutual divorce for quick disposal and avoiding outer orbit of limitation.
9. No adverse order should be passed by any court till review of the situation.
10. Litigants should be discouraged to enter into the court rooms, save and except in extreme urgency and minimum number of lawyers should enter into the court room to avoid crowding.
11. Civil Courts' verandah should be barricaded by bamboo fence to avoid unauthorized entry.
12. Arrangement for swearing affidavits should be made to give relief to the litigant public.
13. Bar Association does not want any hearing thorough video conference as the members are not conversant with the system.

The main suggestions of Durgapur Bar Association are as follows :

1. Full-fledged functioning of courts and full-fledged physical hearing are not possible in the present situation when COVID infection is on the rise day by day and that apart, public transport is not available.
2. There should not be examination of witnesses either in Civil or Criminal Courts.
3. Civil Courts and Criminal Courts should sit on alternate days for physical hearing to avoid crowding in the court premises.

Suggestions as regards sanitization and maintenance of COVID-19 protocol have also been put forward by the members of Durgapur Bar Association.

Public transport remains a challenge in Paschim Bardhaman till this day (12.06.2020). It is not possible to secure 100 per cent attendance of the staff. Each court has been facing inconvenience due to attendance of inadequate number of the members of the staff. Fact remains, that number of COVID cases is going up day by day in this District. Actually, the situation is not congenial for normal functioning of all courts. Limited functioning of courts, either through video conference or physical hearing for limited period should be held in the present situation. However, hearing of cases through video conference should be encouraged in place of physical hearing.

For the purpose of resumption of functioning of courts in limited manner, the following measures shall be adopted :

1. The Sessions Judge, Paschim Bardhaman shall take up bail file (application under section 439 Cr.P.C and under section 438 Cr.P.C.) on Tuesdays, Thursdays and working Saturdays every week until further order from 15<sup>th</sup> June, 2020.
2. Additional Sessions Judge, 1<sup>st</sup> Court, Durgapur shall take up hearing of bail applications (under section 439 Cr.P.C.) on Mondays, Wednesdays and Fridays every week until further order from 15<sup>th</sup> June, 2020.
3. Bail applications shall be heard through video conference. However, physical hearing of the bail applications shall be taken up in case of technical difficulties or if the lawyer concerned expresses that he is not conversant with such system.
4. The District Judge, Paschim Bardhaman shall hear urgent civil matters on Mondays, Wednesdays and Fridays between 11:00 a.m. and 1:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or through physical hearing, if technical difficulties arise, or if the lawyer concerned expresses that he is not conversant with such system.
5. The Additional District Judge, 2<sup>nd</sup> Court, Durgapur shall hear urgent civil matters on Tuesdays and Thursdays from 11:00 a.m. to 1:00 p.m. from, 15<sup>th</sup> June, 2020 until further order through video conference or through physical hearing, if technical difficulties arise, or if the lawyer concerned expresses that he is not conversant with such system.
6. Judge, Special Court under NDPS Act, Judge, Special Court under the Electricity Act, Judge, Special Court under POCSO Act, Judge, Special Court under Section 409 I.P.C., and SC & ST (Prevention of Atrocities) Act and Judge, Special Court, Durgapur shall take up hearing of the bail applications on all working days between 11:00 a.m. and 12:00 noon on and from 15<sup>th</sup> June, 2020 until further order through video conference or through physical hearing, if technical difficulties arise, or if the lawyer concerned expresses that he is not conversant with such system.
7. All the Additional District & Sessions Judges of Asansol and Durgapur shall dispose of urgent matters from 1:00 p.m. to 2:00 p.m. on all working days from 15<sup>th</sup> June, 2020 until further order through video conference or through physical hearing, if technical

difficulties arise, or if the lawyer concerned expresses that he is not conversant with such system.

8. In Asansol, Additional District & Sessions Judge, Fast Track, 1st Court shall dispose of urgent matters, if any, from 12:00 noon to 2:00 p.m. on Mondays, Tuesdays and Wednesdays from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

9. In Asansol, Additional District & Sessions Judge, Fast Track, 2nd Court shall dispose of urgent matters, if any, from 12:00 noon to 2:00 p.m. on Thursdays, Fridays and working Saturdays from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

10. In Durgapur, Additional District & Sessions Judge, Fast Track Court shall dispose of urgent matters, if any, between 12:00 noon and 2:00 p.m. on Tuesdays, Thursdays and Fridays from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

11. In Asansol, the Civil Judge, (Senior Division) and Assistant Sessions Judge, 1<sup>st</sup> Court, shall dispose of urgent matters, if any, between 12:00 noon and 2:00 p.m. on Mondays, Wednesdays and Fridays from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

12. In Asansol, the Civil Judge, (Senior Division) and Assistant Sessions Judge, 2<sup>nd</sup> Court, shall dispose of urgent matters, if any between 12:00 noon and 2:00 p.m. on Tuesdays, Thursdays and working Saturdays from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

13. In Durgapur, the Civil Judge, (Senior Division) and Assistant Sessions Judge, shall dispose of urgent matters, if any, between 12:00 noon and 2:00 p.m. on Mondays, Wednesdays and Fridays from 15<sup>th</sup> June, 2020 until further order through video

conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

14. The Chief Judicial Magistrate, Paschim Bardhaman shall take up his personal file on Mondays, Wednesdays and Fridays every week between 10:30 a.m. and 11:30 a.m. on and from 15<sup>th</sup> June, 2020 until further order. That apart, he shall take up his bail file on every working day from 1:00 p.m. onwards. The hearing shall be done through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

15. The Additional Chief Judicial Magistrate, Durgapur shall take up his personal file on Tuesdays, Thursdays and working Saturdays every week between 10:30 a.m. and 11:30 a.m. on and from 15<sup>th</sup> June, 2020 until further order. That apart, he shall take up his bail file on every working day from 1:00 p.m. onwards. The hearing shall be done through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

16. The Judicial Magistrate, 2<sup>nd</sup> Court, 3<sup>rd</sup> Court and 6<sup>th</sup> Court, Asansol shall take up urgent matters, if any, NGR File and M.V. File on Mondays, Tuesdays and Wednesdays between 11:00 a.m. and 1:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

17. The Judicial Magistrate, 4<sup>th</sup> Court, 5<sup>th</sup> Court and 7<sup>th</sup> Court, Asansol shall take up urgent matters, if any, NGR File and M.V. File on Tuesdays, Thursdays and working Saturdays between 11:00 a.m. and 1:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

18. The Judicial Magistrate, 3<sup>rd</sup> Court and 4<sup>th</sup> Court, Durgapur shall take up urgent matters, if any, NGR File and M.V. File on Mondays, Wednesdays and Fridays between 11:00 a.m. and 1:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

19. The Judicial Magistrate, 2<sup>nd</sup> Court, Durgapur shall take up urgent matters, if any, NGR File and M.V. File on Tuesdays, Thursdays and working Saturdays between 11:00 a.m. and 1:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

20. The Civil Judge (Junior Division), 1<sup>st</sup> Court and Civil Judge (Junior Division) Additional Court, Asansol shall take up urgent hearing of civil matters on Mondays, Wednesdays and Fridays between 12:00 noon and 2:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

21. The Civil Judge (Junior Division), 2<sup>nd</sup> Court and Civil Judge (Junior Division), 3<sup>rd</sup> Court, Asansol shall take up urgent hearing of civil matters on Tuesdays, Thursdays and working Saturdays between 12:00 noon and 2:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

22. The Civil Judge (Junior Division), 1<sup>st</sup> Court, Durgapur shall take up urgent hearing of civil matters on Tuesdays, Thursdays and working Saturdays between 12:00 noon and 2:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

23. The Civil Judge (Junior Division), 2<sup>nd</sup> Court, Durgapur shall take up urgent hearing of civil matters on Mondays, Wednesdays and Fridays between 12:00 noon and 2:00 p.m. from 15<sup>th</sup> June, 2020 until further order through video conference or physical hearing, if technical difficulties crop up, or if the lawyer concerned expresses that he is not conversant with such system.

The Presiding Officers of the Courts shall have the discretion to prepare roster in respect of the staff members attached to their respective courts, if they so desire, to minimize gathering in offices and courts.

District Court Buildings of Asansol and Court Buildings at Durgapur Sub-division have been sanitized twice. Steps would be taken to sanitize the court buildings at least once a week. Screening through Thermal Guns has been introduced at the entry point of court premises. Three Thermal Guns have been provided to the senior most Additional District Judge, Durgapur for introduction of thermal screening in the Durgapur Court premises. Wearing of face masks and maintaining COVID protocol as laid down by the Government are mandatory.

In addition to the Presiding Officer and the court staff, consisting of Bench Clerk-I, Stenographer and one Group-D Peon, a maximum number of four (04) Advocates shall be allowed to remain present in the court rooms at the time of hearing maintaining social distancing.

Social distancing shall be maintained in all the offices of the Courts including Copying Department, Nazirkhana, G.R.Sections and no outsider shall be allowed in the offices of the courts without permission of the Presiding Officer concerned to avoid unnecessary gathering.

Physical production of Under Trial Prisoners from the Correctional Homes shall be avoided and recourse shall be taken for their production through Video Conference.

Filing counters shall remain functional from 11:00 am to 1:00 p.m. on all working days for physical filing of cases.

All the members of the staff are directed to use face masks and use hand sanitizer mandatorily while on duty.

Necessary order has been passed for procuring hand sanitizer, soaps, etc for supplying the same to the different offices and courts of this Judgeship.

No System Officer has yet been posted in this District. System Assistant remains absent as he is under treatment. Nodal Officers are directed to constitute a team with the staff members having special training for arranging Video Conference.

It has been reported to the undersigned that some courts have not yet been able to regularize their pending records, Court Diaries, Cause Lists and CIS updation as per Order no. 107 (G) dated 06-06-2020. Presiding Officers are directed to take steps for pulling up the backlog as early as possible.

: 8 :

This order is passed in continuation of the order no. 107 (G) dated 06.06.2020.

Further necessary order on reviewing the situation shall follow in due course on instruction, if any, received from the Hon'ble High Court and upon consideration of the suggestions, if any, from the Judicial Officers and the Bar Associations.

Sd/Kaustik Bhattacharyya  
District Judge,

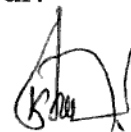
Paschim Bardhaman.



Memo No. 1090 / XI – 12 (COVID-19), Dated, Asansol, the 12<sup>th</sup> day of June, 2020.

Copy forwarded for information and necessary action to :

1. The Additional District & Sessions Judge, 1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> / 4<sup>th</sup> Court, Asansol / Durgapur.
2. The Judge Special Court-cum-Additional District & Sessions Judge, Asansol / Durgapur.
3. The Judge, Commercial Court, Asansol.
4. The Judge Special (C.B.I.) Court, Asansol.
5. The Additional District & Sessions Judge, Fast Track, 1<sup>st</sup> / 2<sup>nd</sup> Court, Asansol.
6. The Additional District & Sessions Judge, Fast Track Court, Durgapur.
7. The Secretary, District Legal Services Authority, Paschim Bardhaman.
8. The Chairman, S.D.L.S.C., Durgapur.
9. The Civil Judge (Senior Division) 1<sup>st</sup> / 2<sup>nd</sup> Court, Asansol.
10. The Civil Judge (Senior Division) Durgapur.
11. The Chief Judicial Magistrate, Paschim Bardhaman. He is directed to circulate the same among the all Judicial Magistrates under his control.
12. The Additional Chief Judicial Magistrate, Durgapur. He is directed to circulate the same among the all Judicial Magistrates under his control.
13. The Civil Judge (Junior Division) 1<sup>st</sup> / 2<sup>nd</sup> / 3<sup>rd</sup> / Addl. Court, Asansol. They are directed to inform the Civil Judge (Junior Division) on Probation with a copy of the same.
14. The Civil Judge (Junior Division) 1<sup>st</sup> / 2<sup>nd</sup> Court, Durgapur.
15. The Judge-in-Charge of Nezarath / Accounts / Civil Copying / Criminal Copying, Asansol / Durgapur.
16. The District Magistrate, Paschim Bardhaman.
17. The Commissioner of Police, Asansol Durgapur Police Commissionerate, Paschim Bardhaman.
18. The Secretary / President, Bar Association, Asansol / Durgapur.



District Judge,  
Paschim Bardhaman.  
**District Judge**  
**Paschim Bardhaman**