

**DISTRICT & SESSIONS COURT,
DADRA & NAGAR HAVELI,
SILVASSA.**

- Read:** 01] The Hon'ble High Court, Bombay Standard Operating Procedure for working of Subordinate Courts in the State of Goa and Union Territory of Daman & Diu and Dadra and Nagar Haveli dated 03.06.2020 vide e-mail dated 04.06.2020 and 16.06.2020.
- 02] The Hon'ble High Court, Bombay Circular dated 15.09.2020.
- 03] The Minutes of Meeting of the Advisory / Administrative Committee of the District & Sessions Court, Dadra & Nagar Haveli, Silvassa dated 18.09.2020.

C I R C U L A R

In pursuant to the Hon'ble High Court Circular dated 15.09.2020, the Advisory / Administrative Committee of the District & Sessions Court, Dadra & Nagar Haveli, Silvassa is allowed the Advocate to open Bar Room for their official use with the following directions: -

1. The Bar Room is open from 11.00 a.m. to 02.00 pm only.
2. The Bar Room is to be used by Advocates whose matters are listed on the daily board of respective courts. Without any work no any advocate will be allowed to use Bar Room.
3. The advocates are also directed not to call the litigants in Bar Room or inside of the Court premises other than extreme necessity in respect of Court work.
4. They shall maintain the norms of social distancing as requested earlier.
5. All the Advocates shall maintain all cleanliness and precautionary measures of COVID-19 while using Bar Room.
6. The arrangement shall be effective from **September 21, 2020 till further order.**

No.: DC/Silvassa/Admin./2020/1395_
Date: 18/09/2020

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Sd/-
[Ms. U.M. Nandeshwar]
Principal District & Sessions Judge
Dadra and Nagar Haveli,
Silvassa

Copy to:-

- 01] The Hon'ble Registrar (Inspection-I), High Court, Bombay
- 02] The Civil Judge (SD) & Chief Judicial Magistrate, D&NH, Silvassa.
- 03] The Civil Judge (JD) & Judicial Magistrate (F.C.), D&NH, Silvassa.
- 04] The Collector, D&NH, Silvassa.
- 05] The President/Secretary, Silvassa Bar Association
- 06] The President/Secretary, D&NH Bar Association
- 07] The Government Pleader, D&NH, Silvassa.
- 08] The Public Prosecutor, D&NH, Silvassa.
- 09] The Assistant Public Prosecutors, D&NH, Silvassa.

C I R C U L A R

The Hon'ble the Chief Justice and the other Hon'ble Judges of the Hon'ble Administrative Committee have been pleased to direct that the functioning of all the sub-ordinate Courts, under the control of the Bombay High Court, in terms of the Standard Operating Procedure dated June 3, 2020 (in short SOP), which came to be modified to some extent vide circular dated June 16, 2020, shall stand further modified w.e.f. September 21, 2020, as under :-

A] FUNCTIONING OF THE COURTS

1. For the Courts falling in Table-A and Table-B of the SOP, the Judicial and Office working shall be in Two shifts, as mentioned below -

Courts falling in	Judicial Working	Office Working	Working strength
Table-A	First shift - 10.30 am to 01.30 pm	First shift - 10.00 am to 01.45 pm	Group-A and Group-B Officers 100% (i.e. 50% in each shift).
	Second shift - 02.30 pm to 05.30 pm	Second shift - 02.00 pm to 05.45 pm	Group-C and Group-D staffs 30% in each shift by rotation.
Table-B			Group-A and Group-B Officers 100% (i.e. 50% in each shift). Group-C and Group-D staffs 100% (i.e. 50% in each shift).
	PDJs/Head of the Establishments may change the timings suitable to them but not the duration of the shifts.		

However, if local conditions do not make it feasible to function in two shifts, the PDJ/Head of the Establishment may seek approval for reduction in the shifts from the High Court through proper channel.

2. Where there is only one Court or one Court of one cadre the Court working and Office working shall be in one (First) shift.

3. The PDJ/Head of the Establishment of the Courts wherein the High Court has approved reduction of the Court functioning from two shifts to one shifts shall reassess the local situation and take suitable decision at their end for switching over of the Court functioning again in two shifts as mentioned in the SOP, with intimation to the Registry.

B] ADMINISTRATIVE WORK

1. All the Subordinate Courts falling under the control of the Bombay High Court, whether in Table-A or Table-B of the SOP, shall perform the administrative works as per Civil and Criminal Manual and as directed by the High Court.

2. The Enquiry Officer shall make endeavor to take up the Departmental Enquiry/ies.

C] JUDICIAL WORK

1. By way of SOP, regular functioning of the Courts falling under Table-B is already been regulated w.e.f. 08.06.2020. All the Subordinate Courts falling under the control of the Bombay High Court, falling in Table-A shall; and those falling in Table-B shall preferably; deal with the following matters :

CRIMINAL

1. Applications under Section 125 to Section 128 of the Code of Criminal Procedure, 1973.
2. Matters under the Protection of Women from Domestic Violence Act, 2005.
3. Cases triable by Court of Sessions or Special / Designated Courts where one or more accused is/are in custody for three years or more.
4. Cases triable by the Magistrate where one or more accused is/are in custody for six months or more.
5. Cases where specific time is stipulated in legislation for concluding of trial, e.g. The protection of Children from Sexual Offences Act, 2012 (**POCSO Act**), etc.
6. Cases before the Special Courts such as under the Prevention of Money Laundering Act, 2002, the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, the Maharashtra Control of Organised Crime Act, 1999, the Prevention of Corruption Act, 2018, the Narcotic Drugs and Psychotropic Substances Act, 1985 etc.
7. Cases under the Special statutes e.g. under the Prevention of Money Laundering Act, 2002, the Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999, the Maharashtra Control of Organised Crime Act, 1999, the Prevention of Corruption Act, 2018, the Narcotic Drugs and Psychotropic Substances Act, 1985 etc. wherein the accused are in custody.
8. Cases investigated by the National Investigation Agency and the Central Bureau of Investigation.

9. Cases which are at a matured stage, e.g. at the stage of arguments or at the stage of examination of accused under Section 313 of the Code of Criminal Procedure, etc.
10. Transfer application under Section 408 of the Code of Criminal Procedure.
11. Cases wherein directions have been given by the superior Courts for conclusion of the trial/case within stipulated period i.e., Cases made time bound by the Hon'ble Supreme Court of India or by the High Court.

CIVIL

1. Petitions / matters for decree of divorce by mutual consent or declaration for nullity of marriage.
2. Petitions/ Cases relating to payment of alimony.
3. Petitions / Cases for custody of Child / Children and for visiting rights claimed by the parents.
4. All Applications / Petitions / Matters before the Motor Accident Claims Tribunal wherein the claim for compensation is for Death or Amputation of any limb.
5. Cases wherein the claim for compensation is for Acquisition of Agricultural Land.
6. Transfer application under Section 24 of the Code of Civil Procedure, 1908.
7. Petitions / Cases of Adoption wherein all the parties are citizen of India.

8. Hearing of interlocutory / interim application e.g. for Stay, taking LRs of deceased party on record, restoration for proceeding, condonation of delay etc..

9. Cases wherein directions has been given by the superior Courts for conclusion of the trial/case within stipulated period i.e., Cases made time bound by the Hon'ble Supreme Court of India or by the High Court.

APPELLATE AND REVISIONAL COURTS

All the Appeals and Revisions which are at the stage of arguments.

D] COMMON GUIDELINES

1. The Judicial Officers may give priority to the cases which are posted for delivery of judgments.

2. The Judicial Officers may also frame the issues or charge in the cases posted for such cause.

3. The Judicial Officers may pass appropriate order as per law, if it is noticed that any Advocate or Party is deliberately remaining absent in the above matters.

4. The Principal District and Sessions Judge/Head of the Establishment, in consultation with the Advisory Committee, if any, after taking views of the stakeholders, may take decision at their end whether to allow the Advocate to open the Chamber/s and/or Bar Room/s or part thereof for their use.

5. The Principal District and Sessions Judge/Head of the Establishment, in consultation with the Advisory Committee, if any, and after taking views of the stakeholders, shall take decision at their end as to the number of entry and/or exit points in the Court premises.

6. Save and except the directions aforesaid, rest of the provisions envisaged in the SOP, modifications therein vide Circular dated 16.06.2020 and Circulars/Directions issued by the High Courts shall apply mutatis mutandis.

Sd/-

Date : 15.09.2020

Registrar General