

OFFICE OF THE DISTRICT JUDGE OF HOOGHLY
ENGLISH DEPARTMENT

Order No. 154

Dated 08/06/2020

In order to give effect to the Notification No.1597-RG dated 05/06/2020 of the Ld. Registrar General, Hon'ble High Court, Calcutta and to the solemn desire of the Hon'ble Justice Sanjib Banerjee to give access to justice to the litigants 'as expressed' by His Lordship in the meeting held through Video Conferencing on 03/06/2020 pertaining to resumption of normal functioning of Court proceedings which remains suspended with effect from 24/03/2020 vide Notification 1498-RG dated 24/03/2020 of the Ld. Registrar General, Hon'ble High Court, Calcutta and continued from time to time, the views of all the stakeholders have been obtained.

Giving due weightage to the various suggestions of all the stakeholders this Judgeship has decided to take certain measures prior to resuming the normal functioning of the Court proceedings.

Measures:

1. Relocation of staff and to give them posting near their residential area in order to minimize their inconvenience in attending the Courts. However, the ailing/pregnant and the staff who are suffering from any serious disease are to be exempted for the present from attending such Courts.
2. All the Court buildings/Court rooms in Sadar and Sub-divisions of this Judgeship are to be sanitized at least twice in a week by the administration and the respective Judge-in-charge of Sadar and Sub-divisions are also requested to take up the issue with the district/local administration.
3. The District Magistrate, Hooghly has been requested to provide the list of containment zone of Hooghly District as on date in order to enable this Judgeship to take decision on that basis regarding bringing the staff or the officer from such zone.
4. The C.M.O.H./Superintendent, Hooghly has been requested to depute at least one person with thermal gun at the entry point of the Court premises both at Sadar and Sub-divisions.

5. The District Magistrate, Hooghly has been requested to provide sufficient quantity of sanitizers to this Judgeship for the use of litigants/law clerks/advocates who will visit the Court daily.
6. The Commissionerate of Police/Superintendent of Police of this Judgeship are to be requested to depute adequate police persons in the Sadar and Sub-divisions.
7. The learned advocates have been requested to take the responsibility to keep the Court Verandah vacant and not to run the 'sherista' at those places during this period in order to prevent any gathering within the Court premises to which the members of Bar Association of the Sadar have already conceded.

In order to resume the functioning of normal Court proceedings during this period when the Covid-19 cases are rapidly increasing certain **guidelines** are required to be framed which must be maintained by all the stakeholders.

1. All the persons entering into the Court premises must use the mask and carry sanitizer within the Court premises.

Court hours during this First phase to be considered on and from 11:00 a.m. to 03:00 p.m.

2. Wearing masks within the Court premises will be mandatory and no person to be allowed to enter into the Court premises without masks.
3. The number of persons to be present within the Court rooms must not be more than 3-4 persons at a time and the Presiding Officer will be at liberty to stop functioning of his/her Court in case of violation of this norms.
4. The advocates/litigants who will be present within the Court premises must maintain the social distancing and the Covid-19 protocol.

5. Spiting in and around the Court premises is strictly prohibited and anybody creating such nuisance may attract necessary action.
6. In the First phase of resumption of normal functioning of Court proceedings all the officers must give priority to the cases which are ready for argument or where the judgement could not be delivered other than hearing of the urgent matters and interim applications. However, all the officers must make all endeavour to update all the records during this time for the purpose of running of the Court smoothly in next phase.
7. Since the steps are taken to give access to justice to the litigants, the officers must refrain from passing ex parte order or issuance of warrant of arrest as far as practicable.
8. The personal appearance of the litigant/accused must also be dispensed with as far as practicable.
9. After having discussion with the learned advocates and considering the views expressed by the Judicial Officers; a list has been prepared showing the types of cases which can be taken up during this First phase starting from 15th June, 2020 till 30th June, 2020.
10. Presence of staff members is indispensable to start Court functioning and to facilitate them to attend their duty arrangement has been made to relocate them to the Court nearest to their residential area for a specific period (for instance 4(four) months) without causing any administrative inconvenience.
11. As the process resuming normalcy in daily Court proceeding is to start amidst the situation when the cases of Covid-19 cases are highly intensifying; it would not be wise to open with all the Courts at a time. Therefore, as a precautionary measure; it is decided that the Court should start operating in a limited manner with limited officer and staff on rotation basis.

However, in the sub-division; due to shortage of officers, it will not be possible to run all the Courts on regular basis and accordingly the roster has been prepared to that.

However, time to time further roster will be made for proper functioning of all the Courts.

12. Ongoing practice of hearing through Video conferencing should not be discontinued and to be extended to each Court.

13. There must be one Entry point and one Exit point in the Court premises both at Sadar as well as sub-divisions.

The Learned Additional District & Sessions Judges of the respective Sub-division are hereby requested to take necessary steps in this regard.

14. Only the Law Clerks with the Identity card will be allowed to enter into the Court premises. Furthermore, no gathering will be allowed in front of the 'Entry' gate either by the advocates or litigants or lawclerks.

15. **FILING NORMS** : The e-filing which is at present in force to be continued along with the normal filing in certain cases where presence of litigants are not compulsory.

The members of the Bar Association are requested to make all endeavour to filing the cases specially the bail application through the e-mail specially created for this purpose.

16. While physical filing the concerned Law Clerks or Advocates must wear mask and gloves and also must maintain social distancing while standing in the queue, in some places if necessary a box will be placed at the Entry point of the Filing Department where the applications may be placed which will subsequently be entered in the e-filing system by our staff.

17. All the staff of Filing Department must be vigilant enough that Court Fees/Stamp are pasted or affixed on the petition only with adhesive or water and a water pad to be kept at the filing counter. In case of violation, the concerned staff may refuse to accept such filing at that time.

18. The filing time will be limited in the First phase which will be from 11:00 a.m. to 01:30 p.m. at an interval of 10(ten) minutes after every half an hour.
19. The learned advocates and the Law Clerks must co-operate with this arrangement in order to maintain a safe and secure ambience within the Court premises.
20. The put up petition, if any, to be filed before the Court will not be entertained unless the prior notice is given to the o.p. in contested case.
21. It would be the duty of the staff present at Ejlash to check that the Court fee/stamps are pasted or affixed on the petition only with adhesive and water.
22. Affidavit before the Magistrate to be limited upto five per day during this First phase.
23. The production of accused persons to continue as per existing manner. The I.O. must produce a note from the Medical Officer pertaining to the Covid-19 infection of that person.

After following all the above guidelines; the normal functioning of the Court proceedings can be resumed on and from 15/06/2020.

The roster list will be published soon.

Sd/-
District Judge, Hooghly