

HIGH COURT OF UTTARAKHAND, AT – NAINITAL

NOTIFICATION

No. 100/UHC/Admin. B/2020

Dated: May 26, 2020.

In view of COVID-19 pandemic, and the restrictions put in place by the appropriate authorities, Hon'ble the Court, has been pleased to issue following directions for the functioning of Subordinate Courts, which shall be in force till further orders.

1. Court proceedings shall be conducted as per the directions issued vide letter no. 2191/UHC/Admin. B/2020 Dated: May 26, 2020.

2. Before opening of a Court, District Judge shall ensure complete sanitisation and cleaning of entire court campus, particularly sanitisation of the court rooms, which will be functional on that day.

3. In addition to extremely urgent matters such as, Bail Applications, Remand matters, Injunctions/stay applications and Statement under Section 164 CrPC, being taken up till now, District and Sessions Judge of each district may also consider court working in the following nature of cases, considering that it will not involve any major appreciation of evidence, and their disposal can be made easily.

A. Traffic challan cases under the Motor Vehicles Act.

B. Cases which have reached a stage and now to be decided by settlement or compromise between the parties.

C. Confessions.

D. Release of vehicles.

E. Petty cases relating to Excise Act.

F. MACT cases.

G. Criminal revisions.

H. Civil revisions.

I. Statement of accused under Section 313 Cr.P.C.

J. Matter relating to Section 251 Cr.P.C.

4. Apart from that, there are special nature of cases, such as cases under POCSO where at least the child victim should be examined without delay. In such cases the court concern shall make effort to examine the witness without further delay, after adopting due process.

5. For criminal trials where the entire prosecution witnesses have been examined, the statement of the accused must be recorded immediately under Section 313 of Cr.P.C. and where the defence does not have any witness for examination or where defence witnesses have also been examined, the court may list the case for arguments.

6. The same goes for civil trials as well. Where all the witnesses have been examined, the matter may be fixed for arguments with consent of both the parties.

7. All other matters shall be adjourned suitably subject to further directions, where all the concerned parties and stake holders shall be informed.

8. Copy of each bail application be provided to the Prosecution/DGC and arrangement must be made for communicating the same to them and a mechanism must be in place to ensure that the Public Prosecutor/DGC is well communicated of these applications. As far as possible, the bail application be decide on the same day itself, particularly for minor offences.

9. Such lawyers who have urgent matter before the court but would like to argue through video-conferencing shall be permitted to do the same, depending upon the functioning and the availability of video conferencing facility in the courts.

10. The concerned District & Sessions Judge are authorized to depute only bare essential judicial officers on rotational basis in each court complex for hearing of the above urgent matters. Only these officers will be required to come to the court as they have been deputed by the concerned District & Sessions Judge for the urgent court work. The remaining judicial officers, however, though shall not attend the office, but nevertheless shall remain available at home during office timings.

11. No officer shall leave the station without prior intimation to the concerned District Judge and approval from the concerned Administrative Judge. It is made clear that unless and until an approval/permission is conveyed to such a judicial officer, he shall not leave the station. In other words, leave applications hereinafter shall not be given on a routine basis.

12. Only bare essential court staff required to manage the above urgent work shall be called in the campus on rotation basis. Sitting arrangement of the staff, whether in the court or in the office or at any other place shall be in such a manner which shall strictly maintain the required physical distance. The remaining staff which is not being asked to come to the court shall, however, remain available at home during official timings.

13. Staff members shall not leave the station without prior intimation to the concerned Judicial Officer and approval from the concerned District Judge. It is made clear that unless and until an approval/permission is conveyed to such a staff, he shall not leave the station. In other words, leave applications hereinafter shall not be given on a routine basis.

14. The judicial officers who have been deputed for urgent work shall hold court between 10:30 a.m. to 02:00 p.m. Each District Judge, however, shall

be at liberty to make adjustment in the court timings depending upon the restrictions in the District and convenience of litigants and lawyers.

15. In order to minimize the physical presence of lawyers, litigants and para legals in the court rooms, the furniture of each court room, if required, be rearranged. Minimum of chair/table be placed to ensure physical distancing. If need be, there should not be more than 4 to 6 chairs in a court room at a required place. Similarly, the distance of the dias be appropriately adjusted. Lawyers will now have to address the court from a proper distance.

16. The court shall not insist on the presence of the parties, except in extremely urgent and essential cases where the presence cannot be dispensed with.

17. No adverse order shall be passed for non-appearance of the parties and the request for exemption of accused/complainant/witness shall be accordingly considered.

18. The court concerned shall ask the lawyer, in advance to submit a soft copy of the application online. For this purpose a dedicated email be created (unless already done) by each district court. This shall also be widely published on the website of the district court. All the same, where it is not possible, the court shall not insist and accept a hard copy. While doing so all necessary precaution regarding sanitisation, etc. shall be taken. For these purposes court-wise drop boxes may be placed at an appropriate place in the court premises, so that the lawyers/litigants may drop the urgent applications in such boxes. Same may also be done for copying department. Documents collected in these drop boxes shall not be touched/handled by the staff same day, but shall be kept within the drop box at a dedicated place after the expiry of time. These documents would be taken out from the drop boxes next day at 09:30 a.m. and shall be sent to the court concerned/copying department for further necessary action. Lawyers/litigants may drop their applications in these drop boxes between 10:30 A.M. to 01:30 P.M. on each working day.

19. The District & Sessions Judge of each district shall apprise the concerned Bar Association through its office bearers and request them to spread awareness amongst the Bar members, so that they may only come to the Court, when they are urgently required, and may also persuade the litigants not to visit the court campus, unless it is extremely urgent.

20. The entry of law students and interns shall remain prohibited in court campus until further orders.

21. Entry of Oath Commissioners, Stamp vendors and typists shall be limited and one or maximum two of oath commissioners, stamp vendors and typists shall be allowed to provide their services in the court campus. Changes be

made of oath commissioners, stamp vendors and typists on rotational basis, so that each may get a chance.

22. Subject to its size and area of jurisdictions, same restrictions which are applicable in the district court campus will also be applicable for all outlying courts.

23. To avoid public gathering and crowd, no function or any event of mass gathering shall be permitted in the court campus.

24. Mediation proceedings shall be held only by video conferencing unless it is extremely urgent and that can be seen by the concerned judicial officer, on case to case basis.

25. No lawyer shall be allowed to come and sit in his chamber, which is in the court campus. Unless these chambers have already been sealed by the court, the District & Sessions Judge shall take cooperation of the concerned Bar Association in closing down these chambers so that lawyers and litigants do not gather at these places.

26. Since chambers of lawyers will be closed down, the learned District Judge shall provide chairs outside the court and court campus where persons may sit, by making a distance.

27. All canteens, cafeterias, eating joints or shops of any kind be closed in the court campus, until further orders.

28. Recording of evidence in civil and criminal cases may be postponed, except permitted in this Notification.

29. Inspection of files and records may be stopped for a period of one month.

30. Copy of judgments/orders be made available to the litigants online to ensure that they do not visit the Court complex for this purpose.

31. All the lawyers, para-legals, litigants and witnesses, who enter the court campus should mandatorily be wearing a mask.

32. Each lawyer, para-legal, litigant, witness or any person must undergo thermal screening before they enter the court campus.

33. Only the arguing counsel for the case shall appear in the matter, unless there are plausible reasons shown for appearance of a second lawyer. Meaning one lawyer for each case on a side.

34. Only the lawyer or the litigant whose case has been called shall be present in the case. The remaining in the list may wait outside the court for their turn, as and when their case is called out.

35. A distance of minimum 6 feet shall be maintained between the contesting lawyers. The same distance shall also be maintained between the arguing counsels and the Presiding Judge.

36. Litigant, witness or accused will not be required to sign on any paper, as a mark of his presence in the court. Signature of the Presiding Officer shall be sufficient provided he makes a record of the presence of the concerned parties.

37. Hand sanitizers shall be provided outside of each court room as well as in the offices for use of advocates, court staff as well as litigants. The same goes for the chamber of judicial officers.

38. The court staff which deals with the court files and comes in frequent contact with lawyers, litigants and other visitors shall be provided with suitable mask, gloves as well as sanitizers for regular use during working hours, which shall be provided to them free of cost.

39. In all the court rooms and office, toilets, doors, handles, chairs, tables, gate, railings and other things and other places shall be disinfected regularly, at-least twice a day by fumigation of hypo-chloride and benzoic acid.

40. Smoking and chewing of tobacco products in the Court campus shall be banned and anyone found spitting in the Court campus shall be penalized. This shall also be widely circulated.

41. Subject to the above directions, depending upon any unique contingency, the District Judge shall take appropriate decisions in the matter, though he/she shall promptly inform the Hon'ble Court/concerned Hon'ble the Administrative Judge.

By Orders of the Hon'ble Court,

Sd/-

(Hira Singh Bonal)
Registrar General

No. 2193/UHC/Admin. B/2020

Dated: May 26, 2020.

Copy for information and necessary action to:

- 1.** P.P.S. to Hon'ble the Chief Justice for placing copy of this Notification before His Lordship.
- 2.** P.S./P.A. to the Hon'ble Judges, for placing copy of the Notification before their Lordships.
- 3.** Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
- 4.** Uttarakhand Judicial and Legal Academy, Bhowali, Nainital.
- 5.** Member-Secretary, UKSLSA, Nainital.
- 6.** All the District & Sessions Judges, Principal Judge/Judges, family Courts.
- 7.** All the District Magistrates/SSPs/SPs of the State for informing the Governments Counsels/Prosecution Officers and all the concerned.
- 8.** All the Registrars/JRs/DRs/ARs of the High Court.
- 9.** All the Sections of the High Court.
- 10.** Director, Printing and Stationery, Roorkee with request to publish this Notification in the next issues of the Gazette.
- 11.** Officer I/c, NIC, High Court of Uttarakhand, Nainital with request to publish the Notification in official website of the High Court.
- 12.** Guard file/Notice Board.

Registrar (Judicial)