

IN THE HIGH COURT AT CALCUTTA

NOTIFICATION

No. 4286 - RG.

Date: 27.11.2020.

It is hereby notified for information of all concerned that the Hon'ble the Chief Justice, High Court, Calcutta, upon consideration of the recommendations of the Hon'ble Covid Committee of this Hon'ble Court, has been pleased to pass the following orders with regard to the modalities of the functioning of the Calcutta High Court and District Courts:

1. In view of the present situation, and keeping in mind that both the metro railway and the suburban railways have been resumed, the full complement of Judges begins to sit in the High Court with the usual determination from Monday, December 7, 2020, subject to the following:
 - i. Covid protocol, as recommended by the State Government from time to time, must always be maintained.
 - ii. No crowding inside the courtrooms will be permitted. Distancing norms must be maintained in the corridors. Only persons who have business should come to court, others should exercise restraint and not visit the court precincts unless unavoidable.
 - iii. Lawyers' staff should, ordinarily, not accompany the lawyer in court. At any rate, no lawyer should allow more than one member of staff to be in court.
 - iv. Setting up of "Serestha" in the corridors will not be permitted in any circumstances.
 - v. Bar-rooms may be opened, but no more than 40 per cent of the sitting capacity in any room should be present in such room at any given point of time. This has to be self-regulated.
 - vi. In case of overcrowding in the courtroom, the judges may suspend work in such courtroom. In case of overcrowding in the corridors or Bar-rooms, the judicial business may be stopped or suspended for the rest of the day.
 - vii. Judicial work will be taken up from 10.45am to 1.00pm and from 2.00pm to 4.00pm.
 - viii. All courts will take only motions in the pre-lunch session, unless the nature of the court's business requires otherwise. By and large, hearing matters will be taken up in the post-lunch session. However, heavy motion Benches may continue to hear motions in the post-lunch session.
 - ix. All motions will be heard in the hybrid mode. Only lawyers representing the State or the Union may be physically present; lawyers representing the other parties will avail of the virtual mode.
 - x. Mentioning will be permitted only on the virtual mode, upon a link being obtained by making a request prior to 9 am on the relevant date. Mentioning will be taken up by every Bench before calling on the listed matters.

- xī. For hearing matters, any party may be represented on the virtual mode; but all the parties may be represented in physical form subject to the maximum number of lawyers in a courtroom not exceeding seven in the smaller courtrooms and 12 in the larger courtrooms. Courtroom nos. 1,8,11,12,16 and 37 will be regarded as the larger courtrooms. Witness actions in suits (oral evidence) will be regarded as final hearing matters.
 - xīī. Commercial and original side (other than writ matters) courts will be on the third floor of the Centenary Building. Criminal courts will be on the first and second floors of the Centenary Building. All other courts will be in the Main Building.
2. Though some of the Bar-rooms may have already opened, most Bar-rooms should remain closed and open only on December 7, 2020. The Administration will ensure sanitisation of all rooms, including Bar-rooms, at least twice before December 7, 2020 and, thereafter on a weekly or need-based basis.
3. All High Court employees should be ready to report for duty in court from December 1, 2020, subject to the policy of rotation that may be adopted to avoid overcrowding in the departments. However, all Recording Officers on the Appellate Side and all Assistant Registrars (Court Recording) on the Original Side should report for duty from December 1, 2020. The Registrar-General will be the final authority in deciding which departments may have rotational duties. Saturdays, other than the second and fourth Saturdays, will be working days for High Court employees.
4. There will be no transport supplement for High Court employees from December 1, 2020.
5. Except for matters pertaining to the Circuit Benches at Port Blair and Jalpaiguri, all other matters have to be filed physically. Colour-coded files have been arranged to distinguish the Port Blair matters and the Jalpaiguri matters from the matters pertaining to the Principal Bench. Upon matters being filed before the Principal Bench, the relevant files will now be forwarded to the appropriate departments and therefrom to the relevant Benches. Accumulation of all files in courtrooms nos. 21 and 22 will be discontinued.
6. Port Blair matters will be taken up every Wednesday. In case of urgency, a request may be made by e-mail to the secretariat of the Hon'ble the Chief Justice at **chc.andaman.up@gmail.com** for the relevant matter to be placed before the regular Bench or any other bench as the Hon'ble the Chief Justice may direct.
7. Jalpaiguri matters will appear before the relevant Benches having determination.
8. The daily cause-list will only be published on the website. Every effort will be made to ensure that the list is published by 7.00 pm on the previous day for the next working day.
9. Unless the situation deteriorates, Circuit Benches at Port Blair and Jalpaiguri should be resumed in January, 2021.
10. As far as the District Judiciary is concerned, every effort should be made to resume normal functioning in the courts, depending on the situation prevailing in the relevant city or town. Matters other than final hearing matters should be encouraged to be conducted on the virtual mode by parties other than the State and the Union. Final hearing matters, including criminal trial and civil suits, should resume as expeditiously as possible. All courts should enforce the Covid protocol and ensure the presence of all employees, subject to any rotational duty policy that the District Judge may adopt. No matter should be adjourned without a returnable date being immediately indicated.

11. At all Sadar and Sub-divisional court complexes a database of the e-mail IDs and mobile phone numbers of all lawyers should be prepared within December 31, 2020.
12. Ordinarily, matters should not be dismissed for default, both in the High Court and in the Subordinate Courts, except upon giving cogent reasons recording the deliberate avoidance or recalcitrance of the party or parties absent. Similarly, extreme caution should be exercised before passing any ex parte order.
13. The use of gates in the Main Building of the High Court as functional now will continue. In the Centenary Building, there will be one gate open for lawyers, litigants and staff.
14. All other directions issued previously during the Covid lockdown period, which are not contrary to the directions contained herein, will continue to remain in force.

By Order,

Sd/-

[Rai Chattopadhyay]

Registrar General.