

IN THE HIGH COURT AT CALCUTTA

NOTIFICATION

No. 3115 – RG.

Date: 31.08.2020.

It is hereby notified for information of all concerned that having regard to the prevailing Covid-19 situation in the State, 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 the District Courts:

1. With the situation apparently improving, every effort should be made to increase the judicial activities, including in the District Courts. As far as the District Courts are concerned, District Judges should take appropriate measures, as the circumstances warrant, to increase the functioning in the Courts. For a start, criminal trials in which the recording of evidence has been completed should be taken up for completion of arguments. Similarly, civil suits where evidence has been closed should also be taken for the completion of arguments. Upon consent of both sides, the recording of evidence can also begin in criminal trials and civil suits; but the Covid protocol and distancing norms must always be maintained. If a Court room becomes crowded at any point of time, the presiding officer should stop the functioning and if appropriate measures to reduce crowding in the room is not possible, the relevant matter should be adjourned. Regular listing of cases should commence to the extent possible, without passing adverse orders against a party who may not be represented for genuine reasons. It will be open to the District Judges to regulate the times of the sitting in every Court and even resort to staggered timings. Proactive measures have to be taken in the District Judiciary to encourage the Bar to participate in judicial work; but by maintaining the Covid protocol at all times.
2. As far as the High Court is concerned, the present arrangement should continue till September 4, 2020.
3. Beginning September 8, 2020, an attempt should be made to increase the judicial functioning by making provisions for the hearing of criminal appeals upto the year 2018, which are ready for hearing, particularly jail appeals; civil, writ and criminal appeals which are ready for hearing upto the year 2018; civil and criminal revision filed upto 2018 which are ready for hearing; and, petitions filed under Section 11 of the Arbitration and Conciliation Act, 1996 upto the year 2019 which are ready for hearing. This will be purely on the basis of consent of all effective parties and applications may be filed indicating the consent of parties for such matters to be listed. The relevant hearings can be exclusively by video conference, if the parties so agree; or in the hybrid form, if the parties so agree; or even physically, if the parties agree; provided that, no more than eight lawyers are required to be present in Court at any given point of time. For a start, jail appeals where either side is

represented by learned lawyer appointed through legal-aid and the other side is the State, will be given preference. Applications should be filed, indicating consent of all effective parties, for the relevant appeals and revisions and petitions to be listed in chronological order of the applications in such regard being filed. However, if any effective party is not represented at the time the matter is called on, the relevant Bench should give an opportunity to the unrepresented party to be represented before Court.

4. All matters pertaining to the Port Blair Circuit Bench will be heard every Wednesday in the video conference room. Two Judges will be assigned to take up the Division Bench and one of such Judges will be assigned to take up Single Bench matters after the Division Bench matters are over. Such matters should be taken up every Wednesday.
5. For the period beginning September 8, 2020, there should be three Division Benches sitting on a daily basis in addition to the Bench presided over by the Hon'ble the Chief Justice and four Single Benches. The Bench presided over by the Hon'ble the Chief Justice will take up PIL matters and fresh writ appeals and applications connected therewith as may be assigned to such Bench by the Hon'ble the Chief Justice. The three Division Benches will concurrently take up all urgent Division Bench matters between 11 am and 1 pm. One of the three Division Benches will take up criminal appeals which are applied for to be taken up, between 2 pm and 4 pm on the Tuesdays, Thursdays and Fridays of every week. Similarly, one of the remaining two Division Benches will take up non-criminal appeals, including writ appeals, which are applied for to be taken up, between 2 pm and 4 pm on the Tuesdays, Thursdays and Fridays. In due course, if there are sufficient criminal and non-criminal appeals which are applied for to be listed, an additional Division Bench may be set up. All the four Single Benches will take up urgent matters to be taken up by a Single Bench on concurrent basis between 11 am and 1 pm every working day. One of the four Single Benches will take up criminal appeals and criminal revisions to be taken up by Single Bench and which are applied for to be listed, between 2 pm and 4 pm on Mondays, Wednesdays and Thursdays. Similarly, one of the remaining three Single Benches will take up civil revision matters upto the year 2018 which are ready for hearing and for which applications are received for listing, between 2 pm and 4 pm every Monday, Wednesday and Thursday. Further, of the two remaining Single Benches, one Bench would take up petitions under Section 11 of the Arbitration and Conciliation Act, 1996 filed upto 2019 and ready for hearing which are applied for be listed upon similar consent being obtained, between 2 pm and 4 pm on Mondays, Wednesdays and Thursdays.
6. Till such time that adequate hearing matters are applied for to be listed, regular urgent matters will be taken up by the Division Benches and the Single Benches in the respective afternoon sessions reserved for hearing matters.
7. There will be no Court on the days of the lockdown and days already earmarked as Court holidays.

8. In taking up the matters as aforesaid, the Covid protocol has always to be maintained. A Court may rise if it finds overcrowding or the breach of the Covid protocol.
9. Benches to take up specially assigned matters will function, in addition to the above, as per the directions of the Hon'ble the Chief Justice.
10. For the moment, the Division Bench to take up criminal appeals should remain fixed. Similarly, the Division Bench to take up non-criminal appeals should also remain fixed. This will ensure continuity.
11. By and large, every Bench should be allotted two consecutive days, except for the Division Benches taking up criminal appeals and non-criminal appeals. No fixed Bench is suggested for the Single Bench hearing matters and every attempt should be made to ensure that the hearing does not spill over for the matter to be made part-heard.
12. Beginning Wednesday, September 2, 2020 and for the rest of the next week, a daily announcement should appear both in the electronic cause-list and elsewhere on the High Court website inviting applications for hearing matters pertaining to criminal appeals, particularly jail appeals upto 2018, civil appeals (both original and appellate sides) and writ appeals filed upto 2018, civil and criminal revision petitions filed upto 2018 which are ready for hearing and petitions under Section 11 of the Arbitration and Conciliation Act, 1996 upto 2019 which are ready for hearing. The relevant applications for listing such matters may be e-filed at a particular email ID which is created exclusively for such purpose or at four exclusive email IDs as per the categories of the matters (to be notified later). Listing of the matters will not take place till at least four days after the application is received; and hearing of such matters will take place only upon ensuring representation, whether on the virtual or the physical mode, of all effective parties.
13. Within a week of the resumption of local train services, the physical functioning of the High Court may be resumed in such limited manner as the circumstances may warrant and upon maintaining the Covid protocol then in place.
14. Matters pertaining to Court-rooms, manner of filing and the like, not specifically dealt with herein, will continue as at present.

By Order,
Sd/-
[Rai Chattopadhyay]
Registrar General.