

IN THE HIGH COURT AT CALCUTTA

APPELLATE SIDE

NOTIFICATION

No.1596-RG

Date:05.06.2020

Resumption of normal functioning of the High Court at Calcutta :

1. While resuming physical Court functioning, everyone must abide by the advisories and directives issued by the Central and State Governments regarding hygiene, distancing, not crowding and the like.
2. The High Court shall start normal functioning with some Benches to sit on a staggered basis. Such system will continue to ensure regular functioning of Courts but with much less footfall in the Court arena, both of lawyers and staff.
3. Physical courts shall be resumed on a small scale and on an experimental basis from June 11, 2020. Matters mentioned on the ground of urgency and consented to by the effective parties will be included in the list for the next scheduled day for physical hearing. Similarly, in case of new matters, they shall be taken up only upon due representation of the parties likely to be affected by any order. Since a number of urgent bail matters filed during the lockdown period remain pending, video hearing of bail matters will be taken up every working day.
4. In the week June 8, 2020 the physical court sittings shall be on the Thursday. Again, in the week beginning June 15, 2020, the physical courts shall be on the Monday, Wednesday and the Friday. In course of the week beginning June 15, 2020 a decision may be taken as to the

further course of action based on the experience of the experiment till then.

5. Every Bench will indicate a cluster of matters that will be taken up in Courts in every hour of sitting. If such matters are exhausted, other matters scheduled later in that day will not be taken up during such time. If the matters are not exhausted during the allocated time, they will stand adjourned till another day, but will not spill over into the times allotted for other matters on that particular day. This will ensure certainty of matters and limited need for lawyers to stay the entire day in Court.
6. Apart from the Judges on the Bench, three Court staff will be present in every Court room at any given point of time. No more than eight lawyers and litigants will be allowed entry into any Court room at any given point of time. If a particular matter requires more lawyers, such matter will stand adjourned unless the parties agree otherwise without compromising on the number of persons being permitted entry into a particular Court room.
7. There will be a distinct gap of about two minutes between the completion of a matter and the beginning of the next to allow changeover of the personnel appearing. If the designated courtrooms permit, there will be different entry and exit gates. However, this may not be possible for every courtroom.
8. The distancing norms shall also be maintained in the Bar Rooms. It is suggested that no more than 25 per cent of the sitting capacity in any library room be allowed entry into such room at any given point of time. However, this has to be monitored by the Libraries and members of the Bar.
9. With such restricted functioning of the Court, it is expected that the number of lawyers, clerks and others connected will be much reduced in the Court rooms and the number of vehicles parked around the Court

buildings will also be minimal and reasonable. The litigants and other staff who may not be required to be present should be discouraged from coming to the Court or remaining in the Court premises beyond the period absolutely necessary.

10. All lifts will be functional. However, no more than three persons will be allowed on the smaller lifts and not more than five persons will be allowed on the bigger lifts at a time.
11. The traveller connecting to the Main Building and the Centenary Building will be functional on an experimental basis as long as the two-step gap norm is maintained.
12. In the event physical functioning of the Court resumes but it is observed that the distancing and health and hygiene advisories are not been met, the Chief Justice may be constrained to stop the physical functioning of Court.
13. For the time being, the canteens and refreshment services in the High Court premises will not resume.
14. Till such time that all restrictions as to movement and crowding are absolutely lifted, persons not having work in Court and litigants who are not appearing in person or who have not been directed to appear before any Court, should refrain from coming to Court. In any event, unless there is definite business, lawyers should try and come close to the time when their matters are scheduled to be taken up and leave not much later than after their matters are over.
15. Written submission in urgent final hearing matters to be taken up now may supplement any limited hearing. However, the written notes should be as brief as possible.
16. Form "A" and Form "B" will be available in the High Court website for them to be downloaded.
17. Advocates-on-record filing any application or pleadings should furnish latest details of email id and mobile numbers.

18. The email id and mobile numbers of Learned Advocate General, Government Pleader, Public Prosecutor and key Law Officers of the State will be published on the High Court Website. The email ids and mobile numbers of such State and Central Government agencies as may be available in the High Court and verified, will also be published on the High Court Website. This is to facilitate the service of notice or other material by electronic form. However, Law Officers should not be disturbed unnecessarily for such purpose.
19. Only such personnel, including Learned Lawyers, who have matters in court should enter the main building. All judicial work will be confined to the main building for the time being.
20. Till further orders, all matters pertaining to the Port Blair and Jalpaiguri Circuit Benches will be conducted on virtual or physical form at the principal seat.
21. The Judicial hours for the time being will be from 11 am to 1 pm and from 2 pm to 4 pm.

Bench set-up :

1. Two bail benches shall continue on the video platform but with increased frequency than at present. In addition, a Single Bench for bail matters will be set up via video conference. All such benches will only take up petitions and applications filed on the ground of urgency.
2. In addition to the bail benches taking up matters through video conference, two division benches and three single benches shall sit on alternate days to take up other urgent matters which are mentioned in advance and are directed to be included in the list. The urgent bail benches will function on a daily basis from June 9, 2020. The urgent physical courts shall function on the specified days beginning June 11, 2020.

3. The two physical division benches shall be divided thus: one for all urgent writ appeals and urgent matters on the Original Side to be heard by a division bench and urgent tribunal matters; the other bench will take up all other urgent Appellate Side business both civil and criminal to be taken up by a division bench except bail matters.

The business allotted to the three single benches shall be thus: one bench for all urgent writ matters irrespective of classification; the second bench for all urgent Original Side matters to be taken up by a single bench; and, the third bench for all other urgent Appellate Side matters to be taken up by a single bench.

4. The Chief Justice's bench will take PIL and all other matters to be taken up by a division bench as may be determined by the Hon'ble Chief Justice. The Chief Justice's bench may take up matters on video conference or in physical manner or a combination of both.
5. The above physical functioning of the court will be on 11.06.2020, 15.06.2020, 17.06.2020 and 19.06.2020. Urgent bail matters will be taken up daily via video conference as indicated from June 9, 2020.

Filing of cases :

1. At the Filing Counters, the Oath Commissioners' Office and Certified Copy Sections, crowding will not be permitted. Queuing should be followed by maintaining distancing norms and designated circles would be put in place on the floor.
2. For the time being, new matters filed for being taken up by the physical process will have to be stamped and punched and filed in the usual manner by maintaining distancing norms. There will be four counters for filing on the Appellate side and two counters for filing on the Original Side, all situated at the ground floor for the moment.
3. Three Oath Commissioners will be available on the ground floor.

4. Pleadings may also be verified by affidavits affirmed before notaries public. However in every such case, the relevant affidavit must be accompanied by a certification of authenticity by the concerned Advocates on record. For urgent bail matters, E-filing in the present form will continue.
5. Filing of urgent bail matters to be taken up by the court through VC, shall continue to be through Email i.e, chcfiling@gmail.com at present.
6. At the temporary filing counter on the ground floor, copies of petitions along with presentation form, all in proper form as indicated hereinabove, shall be received against a tender number and the list of cases filed on a particular day with final numbers shall be published in the afternoon on the same day along with the 'defect list', if any, after the process of filing of a case is exhausted.

Copies of order :

1. Applications for obtaining certified copy may be made online as per the information to be put up on the High Court website.

Mentioning of a matter :

1. Mentioning before the individual Benches will be taken up before physical functioning of Court resumes so that the list of matters can be arranged accordingly, based on the urgency of the matters.
2. Mentioning will be on the video platform. However, to facilitate lawyers who face connectivity problems and those who lack the necessary gadgets, two court rooms shall be set apart for mentioning from such court rooms by video link. The mentioning will be heard by the available benches by video link and only matters directed to appear before the corresponding benches on such days as indicated will be listed.

3. Mentioning for inclusion in the list to be taken up for June 11, 2020 will be allowed between 4.30 pm and 5.30 pm on June 9, 2020 before such benches as designated by Hon'ble The Chief Justice. All learned lawyers intending to mention the matters must email the short ground of urgency and disclose their email id and phone number to the mail id mention.case.hccal@gmail.com with a copy marked to the other parties by 12 noon of the day on which the matter is proposed to be mentioned. A list of the matters for which mentioning will be taken up will be put up on the website and published outside the courtroom numbers 3 and 10 by 3 pm on June 9, 2020. For those who do not have smart phones or appropriate gadgets to participate in video mentioning, they may mention from court room numbers 3 and 10 which will be opened up for such purpose. Similarly, mentioning for matters to be included on June 15, 2020 will be permitted on June 11 and June 12, 2020 with identical previous guidelines. For this, the mentioning slip in specified format should be submitted at the prescribed email id within 1.30 pm on the relevant dates. The said process will be repeated for matters to be included on June 17, 2020 and June 19, 2020 with mentioning dates being June 15 and June 17, 2020, respectively.

Court rooms :

1. Sitting of Benches shall be held in court rooms No. 1 (in case the Hon'ble the Chief Justice is pleased to hold physical court instead of, or in addition to, virtual), 5, 8, 11, 12, 13, 16, 19.
2. Mentioning shall be allowed from court rooms No. 3 & 10, in case any Ld. Advocate opts for the same.

Gates :

1. At present, three gates may be used to access the main building and, until further orders, all judicial and related work will be conducted in the main building.
2. Apart from the Judges' gate, which will be used by the Judges and a limited number of court staff, the three other gates available will be Gates "B", "C" and "E."

Gate "B" will be available for access of the court staff, Learned Advocates and clerks/peons.

Gate "C" will be for exclusive use of Ld Advocates.

Gate "E" will be for the use of all, including a limited number of litigants who may unavoidably be required to attend court.

Maintenance of COVID protocol :

1. Covid Protocol of the State Government to be followed like –
 - a) wearing of mask,
 - b) social distancing,
 - c) maintenance of hygiene.
2. Liquid soap or equivalent to be kept in dispensers in all washrooms open to lawyers and staff of the Court.
3. It goes without saying that temperature guns and such other measures as may be necessary at the entry points will have to be in place.
4. At every gate, temperatures will be checked and those running an impermissible temperature will not be allowed access.
5. Every effort will be made to provide liquid soap in dispensers in all toilets and santiziers will be available in the functioning courtrooms. However, every person entering the court premises should carry personal hand sanitizers.

6. There can be no crowding in the Court corridors. In keeping with the Government advisories, PWD will mark circles on the corridors. A person may stand in the corridors within such circles or may use the corridor as a passage but persons should not remain in the corridor unless within a circle or for merely passing through.

Dress code of Ld. Advocates :

1. The dress code of Learned Advocates will be as advised by the Bar Council of India, till further orders. Wearing of face mask or face shield (either) will be mandatory at all times, including when arguing in court.

Depending on the circumstances, the situation will be reviewed at the end of first week of sitting of physical courts particularly regarding physical hearing of bail matters.

A degree of responsibility and dignity has to be inculcated to adhere to a rational code of conduct for the benefit of individuals and the society at large.

If at any point of time even during court hours on a court day, it is brought to the notice of the Hon'ble the Chief Justice that the distancing or other Covid protocol are not being maintained, the Chief Justice may stop the functioning and require the court premises to be cleared of personnel without prior notice.

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