

HIGH COURT OF DELHI: NEW DELHI

THROUGH E-MAIL ONLY

No. R-114/RG/DHC/2020

Dated: 21.04.2020

From:

Manoj Jain,
Registrar General,
High Court of Delhi
New Delhi.

To

- 1 The District & Sessions Judge (HQs)
- 2 The District & Sessions Judge-cum-Special Judge (PC Act) (CBI) Rouse Avenue Court Complex
- 3 All the District & Sessions Judges
- 4 Principal Judge (HQs) (Family Courts)

Respected Sir/Madam,



As you are aware, in view of the pandemic of COVID-19 and declaration of the lockdown by the Government, the regular functioning of courts in Delhi has been suspended.

Post-withdrawal of lockdown, there would be imminent requirement to put in place a “Phased/Graded Restoration to Normalcy Plan” for the courts in Delhi, for which various issues are required to be addressed. These have been highlighted in the enclosed note.

Considering the urgency of the situation, Hon’ble the Chief Justice has been pleased to constitute a Committee headed by Hon’ble Ms. Justice Hima Kohli for creating a ‘Graded Action-Plan’ to meet all such challenges and other ancillary issues which may be faced by the courts in the process of marching towards normal functioning.

As directed, I humbly request you to take inputs from the Bar Associations of your respective Complexes/ Districts and to send your suggestions/inputs, within a week through e-mail, for addressing issues as highlighted in the attached note.

With regards,

Yours sincerely,

(MANOJ JAIN)

Enclosed: as Above



NOTE ON PREPARATION OF GRADED ACTION PLAN

Considering the imminent threat of the pandemic of coronavirus (2019-nCoV) and in view of the lockdown declared by the Government of the National Capital Territory of Delhi and also considering the request of Bar Associations for complete closure of the Courts, the functioning of the High Court of Delhi and Courts subordinate thereto has been suspended till 03.05.2020. During such suspension of functioning, the hearing of the cases is limited to matters of extremely urgent nature or urgent nature. There has been negligible filing of fresh cases during the lockdown, it can be thus expected that there would be a deluge of fresh cases on return to normalcy which may be quite difficult to handle. All these problems pose a big challenge to the justice delivery system.

Quite possibly, it may not be practicable to open the courts for everyone immediately after the lockdown is lifted. There are more than 8 lac cases pending in the District Courts of Delhi and around 80,000 in High Court of Delhi. Since said number is huge, the footfall in the courts would be evidently enormous, once the lockdown is lifted, partially or otherwise. Moreover, because of suspended functioning of the courts, most of the matters could not be filed by many advocates and litigants. Therefore, the moment, courts are thrown open, it would be difficult to control the rush for the purposes of ensuring all important and crucial aspect related to social-distancing. Obviously, the courts cannot be converted into hotspots.

It may not be possible at this juncture to predict a definite cut-off date for resumption of normal functioning of the court system, considering that there is no certainty when the threat of the pandemic shall be over and the requirement of social distancing, no longer necessary. Moreover, the normalcy is not likely to return overnight and the court functioning can be resumed in structured/phased manner. This would require formulation of a plan to be put in place, well-in-

advance. For preparation of such plan for this Court and the Courts subordinate thereto, the following issues may be required to be addressed:

1. Gradual expansion in stages, of the nature of cases to be put in the “urgent” category for the purpose of hearing by enlisting well-defined categories of priority cases.
2. Ensuring availability of proportionate court infrastructure during all these phases till restoration of complete normalcy.
3. Making guidelines for restricting entry into courts and social distancing norms to be followed in the court complexes for all the stakeholders including Judges, court staff, lawyers and litigants.
4. Preparing guidelines for restricting entry into lawyers’ chamber areas in the court complex and social distancing norms to be followed in such areas.
5. Running of Public utility services and canteen etc. in Court complexes.
6. Availability of Infrared Thermometer, Masks, gloves, sanitizers for all the stakeholders. Installation of sensor-based devices, wherever possible to ensure minimum hand-contact.
7. Appropriate alternate to centralized air-conditioning system.
8. Putting in place a mechanism for handling the deluge of fresh filing of cases once the suspension of functioning of Courts is withdrawn –(i) Need if any to initially restrict filing only to urgent cases or cases where limitation expiring (ii) Nature of filing to be allowed – soft copy or hardcopies and if later, then safeguards for handling those to rule out chances of Covid-19 infection (iii) Creation of centralized Filing counter, if not existing(iv) use of petition boxes.
9. Creation of well-equipped permanent VC Courts.
10. Provision for e-issuance and e-service of court notices and summons; filing of e-pleadings; recording of evidence through video conferencing etc.
11. Graded plan for resumption of work of registry in the High Court and Courts subordinate thereto for taking care of urgent administrative issues such as presence of required support staff for proper functioning

of courts, recruitment process of judicial officers and staff, disciplinary proceedings etc.

12. Manner of resumption of training in Delhi Judicial Academy to conclude the Induction training to enable more officers to be available for taking care of the problem of mounting arrears.
13. Resumption of activities of the Delhi Legal Services Authority, Mediation Centre, Arbitration Centre to help restore normalcy in the functioning of the court system.
14. Creating a mixed model of 'Virtual courts and actual courts' and running court in shifts to ensure least footfall at any given point of time.

Involvement of Bar Associations for preparation of such Action Plan is also very essential to ensure that such plan eventually proves to be successful.

