

MINUTES OF THE MEETING OF THE COMMITTEE FOR PREPARATION OF GRADED ACTION PLAN HELD ON 28.04.2020 AT 05.00 PM VIA VIDEO CONFERENCING.

CORAM: **Hon’ble Ms. Justice Hima Kohli**
 Hon'ble Mr. Justice Vipin Sanghi
 Hon’ble Mr. Justice Rajiv Shakti
 Hon’ble Mr. Justice Talwant Singh

In attendance. Manoj Jain, Registrar General
 Ms. Aditi Choudhary, Registrar Vigilance
 Mr. Reetesh Singh, OSD
 Mr. Lorren Bamniyal, Registrar, Appellate
 Mr. Ramesh Chand, Registrar, General Admin

Special Invitees: Mr. Sanjeev Rastogi Chief Engineer PWD
 Mr. Vikas Tiwari Junior Engineer (E) PWD

Item No.	Agenda	Minutes
1.	To consider the matter regarding assessment and evaluation of whether AC Plant can be run in the High Court post lifting of lockdown and if so, steps required to be taken so that circulated air does not become a reason for the spread of coronavirus.	Report submitted by Mr. Vikas Tiwari, Junior Engineer (E), PWD has been considered. Sh. Sanjeev Rastogi, Chief Engineer, PWD and Sh. Vikas Tiwari have also briefed the members of the committee about the various options for the purpose of running of Centrally Air-conditioning plant. According to their inputs and report, even if this Court incurs massive expenditure on procuring and installing Ultra Violet Germicide Irradiation devices, there would not be complete certainty of eradication of all the virus, germs and particles including COVID-19. It has been apprised by them that such device can only disinfect the air received in AHU for re-circulation and if any COVID-19 infected person enters the area having Central Air-conditioning, there is still every likelihood that the particles of such virus, exhaled by such person, may remain airborne and may, in turn, infect others. It has been informed by them that even in the Supreme Court, the Central Air-conditioning System has not been switched on so far and, therefore, they suggest that instead of investing huge amount in procuring these devices, whose utility is still not amply clear, the court may rather procure sufficient quantity of pedestal fans/wall fans and to install them at appropriate places in all the Blocks.

		It has also been informed by Sh. Tiwari that in A-Block and Extension Block, they would also try to find out whether previously installed hooks, meant for ceiling fans, are still available so that wherever possible, even ceiling fans can be re-installed. Let PWD conduct a survey in this regard and submit a proposal regarding the required quantity of all such types of fans in every block. Since the windows and doors of Court Building may be required to be left open for proper circulation of air during the working hours, PWD shall ensure that all such windows have proper net/mesh so that no insects/mosquitoes etc. enter inside the court building. Committee also resolves that besides the two handitrons already ordered, one of which is likely to be received by tomorrow, two cart-type moveable devices, stated to be of around Rs. 4.5 lacs each, be procured. These, as per PWD, would be very handy for disinfecting the files, books, walls and other surfaces. PWD shall procure these devices subject to fulfilment of codal formalities and shall take steps for obtaining administrative approval and expenditure sanction at the earliest.
2.	To assess the working of the present system in the High Court for hearing urgent matters through videoconferencing.	Many officers and staff officials are coming to the Court for the purpose of facilitating video-conferencing and discharging other administrative duties/responsibilities. This committee resolves that these staff officials should, as far as possible, come by way of rotation and not consecutively. It be also ensured that they maintain safe distance from one another and continue to use sanitizers, masks and gloves. Registrar General shall seek inputs from all the other concerned Registrars and get prepared a flow chart describing as how any file, whether e-file or physical file, moves from one hand to the other before it reaches the Judges holding courts through videoconferencing, and also till the orders are uploaded on the website. This flow chart should reflect per hour productivity of each dealing hand involved with the assigned tasks. It should also indicate whether

	any of these tasks had been or could be carried out remotely from home. Mr. Ramesh Chand, Registrar, General Administration has informed that one sanitization machine, which takes body temperature and also dispenses sanitization liquid in contactless manner, is likely to be received tonight. Let it be installed at the main entrance of the A Block and report about the installation be submitted. This Committee resolves that these devices i.e. Handitrons and Contactless sanitizing dispensation machine be also procured by the District Courts. All the District & Sessions Judges be informed in this regard. Mr. Ramesh Chand would also submit a report as to by what time, the court building is or needed to be handed over to Housekeeping Staff for complete deep cleaning/complete sanitization every day. Registrar General is also directed to get in touch with the Director General of Health Services and Chief Medical Officer and to apprise this Committee about the possibility of conducting of pool-testing for COVID-19 for staff and visitors. Registrar General has informed that sufficient number of cases are already listed on the coming three dates i.e. 29.04.2020 (Wednesday), 30.04.2020 (Thursday) and 01.05.2020 (Friday). It is resolved that in order to cope up with the rush of the urgent matters, the number of Single Benches be increased to six from the existing four. Registrar General has sought instruction whether the designated Mentioning Officers should give dates of 04.05.2020 and onwards for the urgent matters being mentioned through link. Committee resolves that those matters, which are very urgent in nature, be accommodated on these three dates i.e. 29.04.2020 (Wednesday), 30.04.2020 (Thursday) and
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	01.05.2020 (Friday) and rest of the matters may be put on hold till further decision of this Court. Registrar (IT) would, after taking inputs from Registrar (Filing & Listing) & Registrar (General Administration) & OSD (Establishment) submit a report specifying therein i) Number of matters listed before the Division Benches and Single Benches, date-wise ii) Number of staff officials deputed on duty, date-wise iii) Time of departure of last such official, date-wise and iv) Time of start of sanitization and deep cleaning of the building by Housekeeping Staff, date-wise. In order to further contain the spread of COVID-19, it is resolved that all those advocates, who visit this court or courts subordinate to it for 'video-conferencing hearing' need not wear coats, bands and ties. However, they shall adhere to the remaining dress code as prescribed under Advocates Act, 1961. Similarly, wearing of coats and ties is dispensed with for Registry officials of this court till further orders. District and Sessions judges shall also issue necessary directions for relaxation in this regard for their staff officials. It has also been resolved that, to facilitate quick release of any accused/UTP, copy of the bail order passed by this Court be also transmitted through email to Director General (Prison), Delhi immediately by the concerned official. Every District & Sessions Judge, in coordination with the local Bar, would create facility for video conferencing in their respective District/Complex, if not already in place. It will cater to those Advocates/Litigants whose matters have been listed for hearing but who are not in a position to handle Video Conferencing from their respective homes/offices. This committee also resolves that the cases, in which arguments have already been heard and the order/ judgment has been reserved by this Court and courts subordinate to it, shall be given precedence.
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		Registrar General would send appropriate communication, in this regard, to all concerned.
3	Directions for Family Courts	The Chair has informed that she had a meeting with all the learned Principal Judges on 27.04.2020. Inputs and suggestions were taken from all the participants during the meeting held through videoconferencing. Needless to emphasize that the proceedings through videoconferencing need to be conducted while keeping in mind the mandatory directions given in the <i>Santhini Vs. Vijaya Venketesh (2018)1 SCC1</i>. The observations given by Apex Court in <i>SUO MOTU WRIT (CIVIL) NO.5/2020 IN RE: GUIDELINES FOR COURT FUNCTIONING THROUGH VIDEO CONFERENCING DURING COVID-19 PANDEMIC</i> are also imperative. It, <i>inter alia</i>, lays down that all measures that have been and shall be taken by Supreme Court and by the High Courts, to reduce the need for the physical presence of all stakeholders within court premises and to secure the functioning of courts in consonance with social distancing guidelines and best public health practices shall be deemed to be lawful. Since so far, no hearings have taken place in the Family Courts after the functioning of the courts was suspended, after due deliberations, it has been resolved that the Family Courts in Delhi would start taking up the matters as per the below mentioned directions: - (i) The cases, in which arguments have already been heard and the order/ judgment has been reserved, shall be given priority and the order/Judgment be pronounced in such cases. It be ensured that such matter is reflected in the Cause List in advance for intimation of all concerned and auto-generated SMS is also sent through CIS.

		(ii) Softcopy of the order/ judgment, for reference purpose, be sent to the email of the concerned counsel on request. (iii) Fresh petition under Section 13-B (2) of Hindu Marriage Act, 1955 be permitted to be filed only through e-filing module of CIS as developed by e-committee of Supreme Court of India. (iv) Tutorial/Power Point Presentation regarding features and use of e-filing be prominently displayed on the website of Family Courts and Delhi District Court for the convenience of all concerned. (v) Training about the manner of using Cisco WebEx software be imparted to all concerned including counsellors, Readers and stenographers. The procedure of capturing screenshot be also explained to everyone so that during the course of every proceeding, one screenshot is captured and preserved for future reference. (vi) Hearings, with respect to all such freshly filed petitions under Section 13-B (2) of Hindu Marriage Act, shall be conducted through video-conferencing by all the Family Courts. (vii) Every Principal Judge, in coordination with local Bar and with the support of concerned District and Sessions Judge would create facility for video conferencing for those Advocates/Litigants whose matters have been listed but who are not in position to handle Video Conferencing from their respective homes/offices. The court-hearing in the court-complex shall be discouraged, to the extent possible and in case, VC hearing is not possible and the matter is urgent, the court-hearing
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		may be permitted subject to adherence to all norms and precautions. (viii) One court official of each District would act as coordinator. He would ensure that copy of the petition received through e-filing module is sent to the designated email of the concerned Judge well before the scheduled VC hearing. (ix) The Counsellor shall also be joined in the video-conferencing hearing, wherever required. (x) The presiding officer shall, before taking up such matters, ensure that parties have already explored the settlement avenues. (xi) The presiding officer shall, after according its complete satisfaction, dispose of such petition. In case of any kind of uncertainty or doubt regarding any aspect of the matter, the court would be at liberty to adjourn the matter. (xii) Since only the scanned copies of the petition, documents etc. are to be received through e-filing module, it shall be incumbent on the part of the concerned advocate and party to vouch for the authenticity for the same by submitting prescribed undertakings. They would also undertake to submit duly signed and attested petition, in original, and to make up the deficiency, if any, in the court fee within the time frame to be stipulated by the Principal Judge (Family Courts) (Headquarters). The said undertakings shall be as per formats in Annexure A & B. It be also explored by the Principal Judge (Family Courts) (Headquarters) whether a Petition Box can be put in every District for said purpose to ensure that the rush is minimized, once the lockdown is lifted.
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		(xiii) Given the peculiar situation arising out of lockdown, the Decree-sheet shall be permitted to be drawn only after the aforesaid mandatory requirements are fulfilled. (xiv) In case, the lockdown is extended, all the matters, except for petitions u/s 13-B (2) Hindu Marriage Act and final argument matters of more than 5 years old cases, be adjourned <i>en bloc</i>. (xv) Efforts be made to dispose of all such final arguments matters. Each side be asked to send point-wise written submissions not exceeding five pages in pdf format. Counsel shall file proper index indicating, inter alia, the points on which any authority is cited. The relevant paragraphs of such authorities be clearly mentioned. Proper and complete citations be also stated in the written submissions. The Court may, wherever found appropriate and necessary, hear oral arguments through video-conferencing, with advance notice to counsel/parties. (xvi) In the next phase, urgent applications, whether in pending cases or otherwise, seeking maintenance, custody, visitation rights, petitions u/s 13-B (1) Hindu Marriage Act and exparte matters shall be taken up through videoconferencing. (xvii) Filing of non-urgent/routine matters shall also be permitted through e-filing module with the rider that these matters would be taken up for hearing as and when the normal and regular functioning of the courts resumes. (xviii) The Principal Judge (Family Courts) (HQs) would prepare a protocol in co-ordination with the Chairman, Centralized Computer Committee to
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		ensure that aforesaid directions are carried out in uniform and effective manner. Notices and tutorials be put on the website of Family Courts and of Delhi District Courts. Digital Signature Card (DSC) be also applied to all the judgements and orders by the Principal Judges/Additional Judges of Family Courts.
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Submitted for confirmation.

(MANOJ JAIN)
REGISTRAR GENERAL

Hon’ble Mr. Justice Talwant Singh

Hon’ble Mr. Justice Rajiv Shakdher

Hon’ble Mr. Justice Vipin Sanghi

Hon’ble Ms. Justice Hima Kohli

Hon’ble the Chief Justice

ANNEXURE A

CERTIFICATE

I, _____, Advocate, Enrolment No. _____ (copy attached) do hereby certify that I have personally verified the copies of the documents of the petitioner enclosed with the petition with the originals and that the same are true copies of their respective originals. I also undertake to submit the duly signed and attested petition, in original in the Court and to make up the deficiency, if any, in the court fee within the stipulated time-frame.

Sd/-
Advocate
BCD Enrolment Number
(Address with email and mobile number)

ANNEXURE B

(To be filed by the petitioner (s) along with the petition under Section 13 B (1) and Section 13 B (2) of the Hindu Marriage Act filed through electronic mode)

CERTIFICATE

I, _____, the petitioner, do hereby certify that the documents annexed to the petition are true copies of their respective originals. The documents so annexed are self-attested and if the same are found to be false or fabricated, I shall make myself liable for civil and criminal legal action. I undertake to submit the duly signed and attested petition, in original in the Court and to make up the deficiency, if any, in the court fee within the stipulated time-frame.

Sd/-

(Name in capital letters with address, email and mobile number)