

**MINUTES OF THE MEETING OF THE HONOURABLE JUDGES
(FULL COURT) HELD ON THURSDAY, 30th DAY OF APRIL,
2020 AT 11.00 A.M. THROUGH VIDEO-CONFERENCING.**

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Present :

**THE HON'BLE CHIEF JUSTICE
AND ALL THE HON'BLE JUDGES
AT THE PRINCIPAL BENCH
AND THE MADURAI BENCH**

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Agenda No.1

The impending COVID-19 Pandemic crisis that continues in the State of Tamil Nadu with the lockdown already announced, there may be a likelihood of the situation either escalating or remaining the same as projected by media health reports and reports from other sources. While observing social distancing norms and prohibition of physical movements in order to avoid contacts and congregation, it may not be possible to function on a regular normal basis in full capacity by reopening the High Court. The system of video-conferencing has to be adhered to with the minimum of staff and personnel in the High Court or the Subordinate Courts for handling the situation and therefore it is necessary to once again revisit our earlier decision for the normal functioning of the High Court and Subordinate Courts during the period assigned for the Summer Vacations.

The changed circumstances therefore call for a fresh discussion and decision with regard to the earlier resolution of the Full Court, by circulation, dated 16th of April, 2020.

The letter addressed to the Hon'ble Chief Justice by the Bar Council of Tamil Nadu and Puducherry, Tamil Nadu

Advocates' Association, Madras High Court Advocates Association, Federation of Bar Associations of Tamil Nadu and Puducherry, The Law Association, Salem Bar Association and Madras Bar Association containing the proposals made respectively therein for consideration are enclosed.

Agenda No.2 To consider the second alternative of rolling back the decision of resuming regular work during the vacations period, both in the High Court and in the Subordinate Court, and to realign the resumption of functioning from 1st of June, 2020 onwards

RESOLUTION:

The Full Court had taken a decision vide resolution dated 16.4.2020 proposing the postponement of summer vacations of the High Court and all the Subordinate Courts from 1.5.2020 to 31.5.2020. A simultaneous decision was taken for the regular functioning of the High Court and all the Subordinate Courts subject to any further decision being taken by the Full Court. This was done in anticipation of the lockdown being lifted, but the same came to be extended till 3.5.2020. During this period, the House was informed of the developments, as reported, about the increase in the number of detected cases of Coronavirus and a large number of Districts of the State being within red-zones, including the Districts of Chennai and Madurai, where the

Principal Seat and the Bench of the High Court are situate. The spread may gain higher proportions in the coming week of May 2020. In between, the State Government also intensified the lockdown from 26.4.2020 to 29.4.2020 in several Corporations, including the Municipal Corporation of Chennai and Madurai. The state of uncertainty with regard to either the lifting of the lockdown or staggered functioning is yet to be declared by the State Government as well as by the Central Government. The House had, therefore, to meet to take a decision as the summer vacations were to commence from tomorrow (1.5.2020).

Looking to the peculiar grim situation of the State of Tamil Nadu in relation to the existing status of the threat of Corona Virus, the House was of the unanimous opinion that in order to meet the situation which is likely to continue in the month of May, 2020 as predicted, it may not be appropriate to resume regular and normal functioning as that may invite the possibility of congregation of lawyers and litigants, and violation of physical distancing norms keeping in view the large number of lawyers practising in the State, together with their staff, and the number

of Subordinate Courts and Taluk Courts spread over throughout the 32 Districts of the State.

The House, however, is of the opinion that this continued state of lockdown should also not impede the functioning of the Courts beyond a limit, yet in order to ensure physical distancing norms, threats of spread of the endemic by physical contact and to avoid any complications arising therefrom, the system of hearing of matters through remote video conferencing be continued. The House is also of the view that the level and volume of functioning be enhanced in a limited staggered manner for the time being till 31st of May, 2020 that may continue till the lockdown is lifted or relaxed or a decision is taken otherwise for resumption of normal functioning.

For this, the various suggestions that have been made by the State Bar Council; the respective Bar Associations of the High Court, whose opinions have been received; the opinion of the Advocate General, and the views of certain other District Bar Associations and individual lawyers, including Senior Advocates,

were discussed threadbare and it was ultimately agreed upon that the system of video-conferencing may continue with some more Judges to work in addition to the present working number of Benches and simultaneously also increase the working number of Judges in the Subordinate Courts. It was also agreed that the subject matters with the increased strength may be of such a nature and stage of cases that may require an urgent hearing and may otherwise not involve a cumbersome process. It was suggested that subject matters like Matrimonial cases; Domestic Violence cases; Senior Citizen cases Eviction, Rent Control cases; Criminal Appeals (Accused in custody); Motor Accident claims; Quashing of criminal proceedings on settlement; Ex-parte motions; Temporary injunction; Recovery matters arising out of loans and such Commercial matters that may need immediate attention may be heard by the respective Benches subject to cases being limited in number and according to their urgency or expediency, as may be so considered appropriate by the concerned Bench/Benches.

The requirement of staff at the High Court level was also informed and it was also brought to the notice of the House that an additional 20 technical staff may be required in order to meet the staggered functioning as proposed throughout the month of May, 2020 in the High Court. A recent selection of Technical Assistants was held in which 275 were selected, out of whom 175 are Engineering Graduates and approximately 20 of such Technical Assistants can be very comfortably engaged on contract basis in running the proposed video-conferencing system with the increased number of Judges during the month of May, 2020. It was also informed that such technical staff who may be required can also be engaged from outside on contract basis and the State Government, through Chairman, TNeGA and Information (IT) Secretary, has also offered to provide such staff through their own sources. Thus, the availability of technical staff to handle the equipments for a simultaneous running of the hearings by an increased number of Judges in the High Court was assured by the Hon'ble Chairman of the Computer Committee.

Similarly, the availability of staff in the Subordinate Courts and the progress being made for employment of the technical staff as sanctioned by the Government was taken notice of and the House was assured that the Subordinate Courts even if they work on an increased staggered strength, the availability of technical manpower may not be an issue.

The availability of software like 'Vidyo' Application was also informed and the operation presently being conducted in the High Court through 'Polycom' and 'Cisco Webex System' of software was informed to the House. The Subordinate Courts also were operating through video-conferencing system using 'Vidyo' software application successfully. The Hon'ble Chairman of the Computer Committee, therefore, indicated that the Subordinate Courts can also function through video-conferencing system with an increased load of work, even though there will be certain teething connectivity problems.

Upon all suggestions having been deliberated upon, the House resolved as follows:

- i. The resolution of the Full Court dated 16.4.2020 (by circulation) for regular functioning in the month of May, 2020 would stand modified to the effect that instead of the regular functioning of Courts, the High Court at Principal Seat shall function through video-conferencing only with the Hon'ble Judges from their residences. This staggered functioning be conducted with the strength of Two Division Benches and Ten Single Judges.
- ii. The Bench at Madurai having a slightly different set up, being at a considerable distance from the township and with all the Judges living within the campus of the High Court, presently 15 in number including the Hon'ble Administrative Judge, can function from their residences or their chambers through video-conferencing only.

- iii. The subject matter of urgent cases to be taken up can be allocated amongst all the available Judges at Madurai Bench and the Additional Registrar General (i/c) cum Registrar (Judicial), the Registrar Administration and the Additional Registrar (I.T.) may make all necessary arrangements for the same with the permission of the Hon'ble Administrative Judge.
- iv. It was unanimously resolved that with the availability of the hardware to all concerned and the software appliances, coupled with the existing manpower, the Subordinate Courts may also resume a staggered functioning with limited subject matters requiring urgent or expedient hearing till 31st of May, 2020 and subject to any further decision by the High Court. The ministerial and subordinate staff to be deployed for the said purpose be divided in shifts in proportions as per requirement, the

total deployment not beyond 33% of the total strength. The subject matters may range from Matrimonial cases; POSCO cases; Motor Accident Claims; Domestic Violence cases; Bails and Anticipatory Bails; Injunctions matters; Ex-parte Motions, Rent Control and such related matters, which may be conveniently handled through video-conferencing. The adjustment of subject matters to be spread over proportionately to the respective jurisdictions of Presiding Officers by Principal District Judges/Principal Judge/Chief Judge allocating work to the Judicial Officers rank wise and by turns accommodating cases as per the limited staff available.

In the event of any further necessity, the Principal District Judges/Principal Judge/Chief Judge concerned may contact the High Court

for further instructions and requirements.

Agenda No.3: The mode of functioning of the High Court and the Subordinate Courts even after the lockdown period with a staggered phase of working has to be with the aid of video-conferencing equipments.

The issue relating to technical staff and equipments being made available in comfortable numbers for functioning of all the respective Benches in the High Court in future will have to be assessed and appropriate steps will have to be taken for meeting the said exigency. A discussion on the said assessment and requirement of technical equipments and technical staff is therefore warranted. The Hon'ble Chairman and Members of the Computer Committee are therefore requested to apprise the Full Court about the arrangements already in place and any plans in future.

Agenda No.4: The infrastructure of the Subordinate Courts and the mode of functioning has to be discussed in the light of whatever infrastructure is available today and for providing additional facilities that may be required to allow the running of the Subordinate Courts through video-conferencing for which necessary equipments and staff may have to be procured to enable the system function effectively. This may be necessary more particularly for Taluk Courts where such facilities are wanting for example non availability of exclusive technical staff to meet any defects and rectification thereof on day to day basis.

RESOLUTION:

The availability of technical staff, the infrastructure and the mode of functioning of the High Court through video-conferencing and that of the Subordinate Courts in a similar fashion in future was also deliberated upon. Hon'ble Mr. Justice T.S. Sivagnanam, Chairman of the Hon'ble Computer Committee of the High Court elaborately explained the equipments that are available both in the High Court as well as the Subordinate Courts. It was informed to the House that all the Judicial Officers in the State have been provided with Laptop, Laser Printer, Internet Broadband Connectivity and Mobile Phone Allowance. This includes the Civil Judges recruited in the year 2019 and undergoing training. 149 Court Complexes out of 271 have been provided with Studiobased Video Conference facility and purchase orders for 48 Court Complexes have already been placed. Each Court Complex has been provided with one desktop based videoconferencing equipment. Adequate computer infrastructure has been provided for 1032 courts throughout the State with the funds sanctioned by the Hon'ble e-Committee of the Supreme Court. All the

Officers are equipped with the necessary hardware and software for their functioning. The filing system being switched over to e-filing is being successfully implemented in respect of bail matters.

However, decision in relation to any future adoption of the process on a general wider scale after the lifting of the lockdown stands deferred subject to the directions issued by the Hon'ble e-Committee of the Supreme Court and the decisions of the High Court in this regard.

ANY OTHER MATTER WITH THE PERMISSION OF THE CHAIR:

Some of the Hon'ble Judges raised the issue relating to the Annual General Transfer of the Judicial Officers. In view of the extraordinary situation having arisen due to the impending Corona Virus and lockdown, it is unanimously resolved to put in abeyance the annual general transfers of all the Judicial Officers for a period of one year, subject to any exceptional cases and vacancies required to be filled in, that may be given effect to with the approval of the Chief Justice.

It was also resolved that the process of Annual General Transfer be resumed in the event of the normal functioning of the High Court and undertaken by the end of December, 2020 so that the same may be given effect to with timely notice to the Judicial Officers in the coming year of 2021.

A.P.SAHI
(CHIEF JUSTICE)