

Extract of MINUTE OF THE JOINT MEETING OF HON'BLE STANDING COMMITTEE & CORE COMMITTEE OF HIGH COURT OF JHARKHAND, RANCHI HELD ON 03RD MAY, 2020 ,THROUGH VIDEO CONFERENCING

AGENDA:

To consider the Order dated 01.05.2020 issued by Ministry of Home Affairs, Government of India.

RESOLUTIONS:

In view of COVID-19 Pandemic crisis and the directives of the State Government for continuance of lockdown for further period of two weeks without any relaxation given by the Central Government with effect from 04.05.2020 and directions/ guidelines by Ministry of Home Affairs, Govt of India, it is resolved that the physical presence of the officers, staff and lawyers in the Court rooms will not be conducive to the social distancing. Accordingly, system of hearing of cases through Video Conferencing with minimum number of Staff and personnel's in High Court and Sub-ordinate Courts shall continue.

It is further resolved that the system of Video Conferencing shall be continued with some more Courts. Accordingly, the functioning of High Court shall continue

with two Division Benches and 3 or 4 Single Judges.

E-mentioning for Civil matters be made before Division Bench -I and Criminal Matters before Division Bench-II.

It is also resolved that Matrimonial Appeals shall be taken with the consent of both the parties. Criminal Appeal where appellant is in custody, the matter shall be listed after the entire records including lower Court Record gets scanned.

Extremely urgent L.P.A. shall be taken up with the consent of both the parties. However, the consent of respondent will not be required in first hearing subject to filing of Caveat by the respondent.

Once the cases are listed and parties do not turn up for hearing, further prayer for listing shall not be entertained.

Hearing shall be continued with use of applications viz. 'Vidyo App', "Cisco Webex system" or 'Jitsi' or any other software for the time being. The software to be finally used shall be decided by the Court after assessing the performance of these applications.

The Registry is directed to obtain inputs from the PDJs regarding the performance of various applications which are in use in the District Courts.

In order to facilitate filing of extremely urgent Bail/

Anticipatory Bail Applications from the various Districts, it is recommended to temporarily suspend the “Note” in Rule 48(3) of the High Court of Jharkhand Rules, authorizing a Notary in every District before whom the affidavit shall be sworn for these applications which shall be filed before the Civil Court. The Filing Section shall issue an acknowledgement to that effect and concerned lawyer shall file the scanned copy of the acknowledgement along with the scanned copy of the said application in the High Court through e-filing system.

The Registrar General is directed to place the matter for amendment of the aforesaid Rule before the Hon’ble Full Court.

It is also resolved that the Sub-ordinate Courts resume a staggered functioning with limited subject matters requiring urgent or expedient hearing till further orders which shall be as follows:-

1. Bail/ Anticipatory Bail Petitions.
2. Remand/Surrender Application.
3. Cri. Appeal & Revision matters fixed for argument.
4. Application for recording of Dying Declaration.
5. Any other extremely urgent matter criminal matter to be decided by the Principal District Judge.
6. Injunction.
7. Civil Appeal fixed for argument.

8. Miscellaneous Applications.
9. Judgment.
10. Release Matters.
11. Matrimonial Cases viz. Application under Section 125 Cr.P.C, Application under Section 24 of Hindu Marriage Act and Application for divorce by mutual consent.
12. POCSO Cases without recording of evidence.
13. Motor Accident Claim Cases
14. Domestic Violence Cases.
15. Ex- parte Motions.
16. Petition for Condonation of Delay under Limitation Act.
17. Abatement Matters.
18. Mediation by the Family Court through Video Conferencing.

The aforesaid subject matters shall be distributed proportionately to the Presiding Officers by the PDJ keeping in mind the limited number of staff available and also to maintain social distancing. Under no circumstances evidence of witness shall be recorded in any case.

For fresh filing in the Civil Court, a Drop-Box shall be kept outside the main gate wherein the hard copy of the

Applications be dropped and same shall be opened after 24 hours. The staff member who will open the Drop-Box shall be fully equipped with mask, gloves and other precautionary measures as per the directions of Ministry of Home Affairs. A list of such applications shall be prepared in which applications are required to be affidavit and the lawyers concerned should be informed the time when they should come up with the deponent for swearing of the affidavit. Fresh filing matters shall be permitted from 8 a.m to 10 a.m. on all Court working days with strict adherence to the guidelines of social distancing norms.

Arrangement for sitting for the Notary Public or Court Sirestedar shall be made between 8 a.m. to 10 a.m. maintaining all the Protocols of social distancing. They should be provided with masks, Sanitizers and, if possible PPE kit. The strict precautionary measures shall be ensured by the Principal District Judges for the safety of the Notary Public or the Court Sirestedar in accordance with the directions of the Ministry of Health Affairs issued from time to time. In those districts where large number of officers are posted, the PDJ shall prepare a roster of various cadres in the light of availability of Video Conferencing facilities for all the hearings in the District Courts and Sub-divisional Courts.

A Drop-Box shall also be kept for receiving of requisition, received between 8 a.m. to 10 a.m. for certified

copies which will also be opened after 24 hours and effort should be taken to make the certified copies available at the earliest. The PDJ shall ensure the sanitization of entire Court campus including the public area on a day to day basis in accordance with directives of Ministry of Health Affairs issued from time to time in coordination with the District Administration.

By Order