OFFICE OF THE DISTRICT & SESSIONS JUDGE (HQ), TIS HAZARI COURTS, DELHI

ORDER

Keeping in mind difficulties being faced by the lawyers and the litigants on account of the ongoing Covid19 pandemic, in partial modification of earlier Advisory Protocols, after detailed discussion with the learned District & Sessions Judge(West) as well as President and Secretary, Delhi Bar Association, following directions are issued for implementation in the Central District Courts in Tis Hazari with immediate effect till the lockdown continues.

1. The Judicial Officers posted on duty during the lockdown period shall hear not only "very urgent matters" but all kinds of "urgent matters". No urgent matter shall be refused to be heard on the ground that the same is not "extremely urgent or very urgent matter". It is the Judicial Officer on duty, who shall decide whether the matter in question is "urgent matter" or not, giving the word "urgent" liberal interpretation.

2. Urgent matters pertaining to the courts held by the Additional District Judges and by the Additional Sessions Judges can be filed by counsel or litigant concerned physically at the Filing Counter or through e-mail at *urgentsessioncentral@gmail.com*, which mail shall be under control of Shri Bhupesh Kukreja, SJA (Phone No.9811390563), the Co-Ordinator-I. Urgent matters pertaining to the courts held by the Magistrates and by the Civil Judges can be filed by counsel or litigant concerned physically at the Filing Counter or through e-mail at *urgentcmmscjcentral@gmail.com*, which shall be under control of Shri Suresh Pahuja, SJA (Phone No.9899819888), the Co-Ordinator-II. The e-mails of urgent matters shall be sent to the Co-Ordinator concerned only between 09:00am and 05:00pm on a working day.

3. All urgent matters, sought to be filed by e-mail shall be mailed in the form of a single file attachment of scanned copy of complete paperbook, including originally signed pleadings, documents, duly sworn affidavits, *vakalatnama* etc. In cases where the accused is in jail, the *vakalatnama* shall be signed by spouse/parent/immediate family member of the accused; shall bear photograph with Identity Card of the *vakalatnama* signatory; and shall disclose complete Bar Enrolment Number and Office Address of the Counsel. Original paperbook shall be physically filed by the counsel/litigant concerned at the Facilitation Centre, Central District within 15 days of reopening of courts after the lockdown ends.

4. On receipt of the e-mail of the urgent matter, the Co-Ordinator concerned shall forward the e-mail to the Filing Clerk at e-mail *filingcountercentral@gmail.com*. The Filing Clerk shall take printout of complete paperbook and register the same after checking it. In case of any deficiency in paperbook, the same shall be informed by the Filing Clerk to the Co-Ordinator by reply e-mail for rectification. The Co-Ordinator shall forward the deficiency mail of Filing Clerk to the counsel/litigant concerned for rectification.

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The exercise of registration or deficiency and rectification shall be recorded by the Filing Clerk in a separately maintained register.

5. Once an urgent matter is registered, the Filing Clerk shall immediately forward by e-mail the complete paperbook to the concerned Co-Ordinator, who shall forward the e-mail to the Judicial Officer, posted for duty on the next day (*if the original e-mail of the paperbook was sent to the Co-Ordinator concerned between 09:00am to 01:00pm*), or on the next to next working day (*if the original e-mail of the paperbook was sent to the Co-Ordinator concerned between 01:00pm to 05:00pm*).

6. On receipt of paperbook over e-mail, if satisfied that it is an urgent matter, the Judicial Officer shall immediately direct the Co-Ordinator concerned to get the matter listed on the next or next to next working day before the Judicial Officer. If the concerned Judicial Officer is not satisfied about urgency, the matter shall be adjourned to an appropriate date for hearing with an intimation by e-mail to the Co-Ordinator concerned, who shall convey the order to the counsel/litigant concerned over e-mail.

7. If the matter is directed to be listed for hearing on the next or the next to next working day, the Co-Ordinator shall, immediately thereafter forward over e-mail a copy of the paperbook to the Prosecution Branch and the Nodal Officer of police, who shall further forward the same to the Investigating Officer or the SHO concerned for report/reply. In the said e-mail, the Co-Ordinator shall also inform that the matter shall be heard on the next or the next to next working day. Such intimation shall also be sent by reply e-mail to the applicant or his counsel. The Delhi Police Nodal Officers for this purpose are Inspector Harkesh Gaba (Phone No.9811889555) for North District and Inspector Vijay Vats (Phone No.9810127561) for Central District.

8. If the applicant side, by way of written application requests and the prosecution side does not object, hearing of the registered urgent matter can be held on the specified day and time by videoconference over Cisco Webex.

9. In case of Civil Matters, once informed about the decision of the Judicial Officer that the matter is an urgent matter, the Co-Ordinator shall immediately get the matter listed on the next or the next to next day, and shall forward over e-mail the complete copy of the paperbook to the non-applicant side as advance copy. In the said e-mail, the Co-Ordinator shall also inform that the matter shall be heard on the next or the next to next working day in court or on specified day and time through videoconference over Cisco Webex. The e-mail ID of the non-applicant(s) shall be furnished by the applicant on

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affidavit alongwith the scanned paperbook. Such intimation shall also be sent by reply e-mail to the applicant or his counsel.

10. On the day fixed for hearing the matter, five minutes before the scheduled time the Co-Ordinator shall log in a meeting at Cisco Webex and send the URL and Meeting Number over e-mail and/or WhatsApp to the concerned Judicial Officer, counsel, litigants and prosecutors. The Co-Ordinator shall click the meeting recording icon immediately on logging in Webex.

11. No person other than the counsel, litigant, prosecutor and investigating officer concerned shall be allowed by the Co-Ordinator to join the Webex hearing, unless permitted by the Judicial Officer. If so desired, the Judicial Officer may direct the Co-Ordinator to ensure presence of stenographer also in the course of hearing. Once the hearing is concluded, either in presence of both sides the Judicial Officer may dictate the order to the stenographer or may reserve the matter for order.

12. All parties to the hearing through videoconference, their counsel and anyone watching the videoconference proceedings are strictly prohibited from making audio-visual recording and/or taking screenshots with the help of any internal or external device. The URL and/or Meeting Number received by the counsel and/or the litigants shall not be shared with anyone. Breach of this direction of confidentiality shall entail strict action in accordance with law.

13. After the hearing is concluded, the Co-Ordinator shall save the recording and preserve the same.

14. The stenographer shall typewrite the order and send the same over e-mail to the Judicial Officer, who shall sign the order digitally or printout thereof after carrying out necessary corrections. Thereafter, the Judicial Officer shall send the digitally signed order or a scanned copy of the manually signed order to the Co-Ordinator over e-mail. The original manually signed order in its physical form shall be preserved by the Judicial Officer, to be sent to the concerned branch on reopening of courts after the lockdown ends.

15. The Co-Ordinator shall transmit a copy of the scanned signed order to all parties concerned as well as the jail authorities (if required) and shall get the same uploaded on the website (if permissible) forthwith.

16. It is clarified that these directions are in addition to and not in derogation of the existing system of filing of hard copies of pleadings and addressing arguments in person before the Judicial Officers.

17. Preferably, the hearings of all urgent matters should be by videoconference. The lawyers, who are unable to address arguments through videoconference from their office/residence due to lack of infrastructure, may avail videoconference facility provided by the concerned District & Sessions Judges of every District and of the Rouse Avenue Courts Complex. In Tis Hazari Courts, such facility is available in Vats Seminar Hall (near circular canteen), Rathi Block Library and Western Wing Library, for which the Nodal Officer appointed by the Delhi Bar Association is Vice President Shri Nikhil Bhardwaj, Advocate (Phone No.9871302406).

18. But where the applicant side does not at all wish to address arguments through video conference, preferably written arguments, running into not more than 5 sheets of A4 size; Aerial/Times New Roman font of size 12 may be filed after serving advance copy on the opposite side.

19. Where the applicant side insists to address arguments in court by way of physical presence, the counsel and/or the litigant shall not be allowed to enter the courtroom till the matter concerned is called. While waiting for call of the matter outside the courtroom, social distancing norms shall be strictly adhered to. Only the parties and/or counsel of the matter being heard shall be allowed to remain inside the courtroom and they also shall ensure strict adherence to the social distancing norms.

GIRISH KATHPALIA

(GIRISH KATHPALIA)
DISTRICT & SESSIONS JUDGE (HQ)
TIS HAZARI COURTS, DELHI
Dated:04.05.2020

Ref. No. 8427-8527/CB/Covid19 Lockdown/e-filing & VC hearings/2020 dated:04.05.2020
Copy forwarded for information & necessary action to :

1. *The Registrar General, High Court of Delhi New Delhi*
2. *The District & Sessions Judges, all Court Complexes, Delhi/New Delhi*
3. *All Officers of Central District, THC, Delhi*
4. *Sh. V.K. Bansal, Director (Administration), Delhi Judicial Academy/Chairman, Centralized Computer Committee, Dwarka, New Delhi.*
5. *The JR/CPC, Hon'ble High Court of Delhi with request to bring the same to the notice of Hon'ble IT Committee, High Court of Delhi.*
6. *The Sr.AO (J), Administration Branch, I, II & III, Central, THC, Delhi*
7. *The Sr. AO(J)/DDO/Branch Incharge, Filing Section, General Branch, Computer Branch, THC*
8. *The Director, Directorate of Prosecution, Govt. of NCT of Delhi, Delhi*
9. *The Chief Public Prosecutor, THC, Delhi*
10. *The Incharge, Lock up, THC, Delhi*
11. *Secretary, DLSA Central, THC*
12. *The Secretary, Bar Associations, all court complexes, Delhi/New Delhi*
13. *The Website Committee (English/Hindi), THC, Delhi*
14. *The R&I Branch, Central for uploading on LAYERS*
15. *The PS/Reader to the undersigned*

(GIRISH KATHPALIA)
DISTRICT & SESSIONS JUDGE (HQ)
TIS HAZARI COURTS, DELHI
Dated:04.05.2020