

SUBORDINATE COURTS IN THE STATE OF MAHARASHTRA, STATE OF GOA AND UNION TERRITORY OF DIU, DAMAN AND DADRA NAGAR HAVELI

STANDARD OPERATING PROCEDURE

The Hon'ble the Chief Justice and other Hon'ble Judges of the Hon'ble Administrative Committee, after having taken account the situation prevalent due to the spread of Coronavirus (COVID-19), and the suggestions received from the Principal District Judges of the State of Maharashtra, State of Goa and Union Territory vis-à-vis functioning of Subordinate Courts, are pleased to approve the Standard Operating Procedure as under:-

All the Subordinate Courts falling under the control of the Bombay High Court are set out in a tabular format, considering the order / resolution of the Government of Maharashtra dated 31.05.2020 and guidelines issued by the Central Government dated 30.05.2020, as under: -

Table A	Table B
All Courts falling within the limits of Municipal corporations of MMR region and Municipal Corporations of Pune, Solapur, Aurangabad, Nashik, Malegaon, Dhule, Jalgaon, Akola, Amaravati and Nagpur.	All Courts in the State of Maharashtra other than those mentioned in Table-A, all Courts in the State of Goa and the Union Territory of Dadra and Nagar Haveli and Daman and Diu.

JUDICIAL

For the Courts falling under Table-A

1. The Courts falling under Table-A shall continue to function with effect from 08.06.2020 in two shifts (First shift from 10.00 am to 1.00 pm and Second shift from 2.30 pm to 5.30 pm) with 15% presence of the staff in each shift on rotation as per the earlier arrangements i.e. as per the Circulars issued by the High Court of Bombay from time to time. Such Courts shall also deal with all bail applications which are filed prior to lockdown, apart from the business to be transacted as per earlier Circulars. They shall also hear matters where witness action is not required (e.g. Cases fixed for Judgment / Order), Appeals and Revision Applications, which are fixed for final hearing and Cases posted for judgments, and hearing of interlocutory applications and such other matters.
2. The Office working shall be of four hours in each shift, i.e. half an hour before and after the Judicial working hours.
3. The Principal District and Sessions Judge/Head of the Establishment, in consultation with the stakeholders, may change the working timings only but not the duration of the shifts, considering the situation prevalent in their respective Courts.

4. Cases (including MACP) in which substantial evidence is recorded and either of the parties to the proceeding agree to examine the witness through Video Conferencing or on commission, the concerned Judge in his discretion may allow such examination, with a rider that the witnesses shall not be compelled to attend the Court for such examination.
5. The cases listed on board should be kept moderate in numbers and is to be decided by the concerned Presiding Officer.
6. Judges may also frame the issues in the cases posted for such cause.
7. The Judicial Officers shall ensure utmost use of the facility of video conferencing and persuade the advocates to use the same by apprising them with the benefits of the facility.
8. The hearing of final arguments shall preferably be done via video conferencing and / or by accepting the written notes of arguments submitted by either of the parties.

For the Courts falling under Table-B (Other than Table-A)

1. The Courts falling under Table-B shall start regular functioning with effect from 08.06.2020 in two shifts (First shift from 10.00 am to 1.00 pm and Second shift from 2.30 pm to 5.30 pm) with 50% presence of the judicial officers and the staff in each shift.

2. The Principal District and Sessions Judge/Head of the Establishment, in consultation with the stakeholders, may change only the working timings but not the duration of the shifts considering the situation prevalent in their respective Courts.
3. The cases listed on board should be kept moderate in numbers and is to be decided by the concerned Presiding Officer. It would be desirable that during the first week, not more than 15 matters are placed on board in every Court in each shift.
4. In case of any change in situation arising out of spread of COVID-19 and any particular Taluka being declared on containment zone or any other restrictions are imposed impeding physical functioning of Courts, the Head of the establishment shall immediately seek instructions from the Administrative Committee through proper channel for further course of action.

Common Guidelines for the Courts falling in both Categories

1. Where there is only one Court or one Court of one cadre functioning, such Court may sit in the first shift.
2. The Judicial Officers may devote some time for adjusting the board so as to reduce crowd in the Court building / hall.
3. The Judicial Officers may not pass any adverse order owing to the absence of the parties to the proceedings.
4. The Judicial Officers may also generally refrain themselves from taking coercive action, such as passing ex-parte orders, issuance of warrants to the accused and witnesses, etc.
5. The Judicial Officers may give priority to the cases which are posted for delivery of judgments.

ADMINISTRATIVE

1. The Principal District and Sessions Judge may fix a particular time slot and dedicated Staff, other than those involved in transacting Judicial working, for accepting filing of cases of urgent nature (for Table-A) and regular filing (for Table-B), as the case may be. He shall earmark the location, preferably on the ground floor (near the entry gate), for the work of Filing of Cases, Affirmation / Declaration. As far as possible, a mechanism may be put in place in the form of a token system giving a particular time slot for filing of such cases. As far as possible, after verification of the cases filed, such files shall be kept isolated for a reasonable period, say 24 to 36 hours, but not exceeding 72 hours.
2. All Advocates and staff shall observe social / physical distancing norms and the seating arrangements in the Court halls and departments be adjusted accordingly. No visitor(s) other than Advocates and parties in person whose matters are listed shall be allowed in the Court premises.
3. In order to minimize the physical contact, the Information Kiosk Machine/s be switched off until further orders.
4. The copy of the daily board shall be supplied to the Bar Association a day in advance with a request to the concerned Advocates to cause their presence unaccompanied by any other person to avoid crowding and to maintain physical distancing.
5. The services of Class-IV employees and contractual servants viz. Sweepers shall be monitored by responsible officer to ensure proper upkeep of the Court building and the surrounding area

neat and tidy, as well as to sanitize the same with disinfectants with the help of local bodies.

6. Beyond the office hours, as stated in the manner aforementioned, the concerned staff may be called for routine correspondence as well as to furnish the necessary information for submission to the High Court and for the compliance as directed by the High Court.

GENERAL

1. All precautionary measures issued as below shall be followed scrupulously -
 - I. By the Government of India vide order No.40-3/2020-DM-I(A) dated 30.05.2020. **(Annexure-A)**
 - II. By the Government of Maharashtra vide order No.DMU/2020/CR. 92/DisM-1 dated 31.05.2020 (Mission Begin Again). **(Annexure-B)**
 - III. By the Government of Maharashtra vide letter No. NYAYIK 2020/PRA.KRA.58/AROGYA 5, Public Health Department dated 30.05.2020. **(Annexure-C)**
 - IV. SOP'S, Cleanliness Tips, Guidelines on Disinfection of Common Public Places including Offices / Courts **(Annexure-D)**
2. Persons who may have symptoms of fever, sore throat, cough, running nose or breathing difficulty are advised to self-restrain themselves from presently visiting the Court premises. Any visitor found with temperature above 38 degree Celsius or having apparent symptoms of Covid-19 or coming from

containment zone shall not be allowed entry in the Court premises.

3. A minimum of 2 (two) Mtr. gap between people has to be maintained while queuing and on entering the Court building.
4. Hand sanitizing stations shall be installed in office premises (especially at the entry) and near high contact surfaces. Hand wash facilities should be installed. Water including liquid soap may be made available.
5. The concerned Judicial Officers may, if the situation demands, use face shield as well transparent acrylic sheets partitioning the Dais from the addressee.
6. Canteen facilities should be opened after the same have been granted permission by the concerned authorities and it be upgraded to ensure daily continuous cleanliness as per the set norms and further ensuring physical distancing of persons working therein and persons using the facilities.
7. As far as possible, owing to the current Pandemic, an arrangement be made to have only one entry and one exit point in order to manage all visitors (including Advocates and staff members) entering the Court premises.
8. Two guards should be deputed at the entry gate, one of whom shall do thermal scanning with the help of contact-less Infra-red temperature gun and other for sanitizing the hands of the persons entering the Court premises. One guard should be deputed at the exit point to restrict the entry therefrom.

9. Sanitization shall be carried out periodically in the entire Court building with the assistance of the Local Bodies.
10. Sanitizer dispensers shall also be provided at the entry of the office / chamber of the Judges and at the entry of all the departments of the Courts. The entry shall be manned to ensure that the persons entering the Court premises are wearing masks and use the sanitizer before entry.
11. It shall be ensured that all washrooms in the premises of Court do have liquid soap dispensers. The washrooms including the taps, handles and door knobs shall be cleaned with disinfectants at regular intervals during the day.
12. The Staff Members working in the departments, Court halls and chambers of Judges shall ensure that the tables, chairs, telephones, keyboards, handles, knobs, etc., are wiped regularly with disinfectants. The Staff using computers shall be advised to ensure their keyboards and mouse are not used by others and are wiped regularly.
13. Notices (See **Annexure-E**) and other Sign Boards with necessary instructions shall be displayed at appropriate and conspicuous places, including washrooms and lifts, in the Courts.
14. One or more officer/s shall be nominated by the PDJ/PJ to oversee the arrangements on a day to day basis who shall carry out inspection at least three times a day or more as per the need.
15. All the members of the staff, Judicial Officers, Advocates, litigants shall be allowed entry in the Court premises, only after

they wear masks and strictly adhere to sanitizing measures which are put in place.

16. The members of the Bar may be requested not to allow their Junior Advocates and Clients to accompany them in the Court to avoid overcrowding in the Court and to maintain social / physical distancing.
17. Each and every visitor (including Advocates and staff members) desirous of entry in the Court Hall shall be advised to download Aarogya Setu App in their mobile handsets. Any exemption in this regard shall be considered by the Head of the Establishment or the Judicial Officer authorized by him, upon his subjective satisfaction as to the cause put forth for such exemption.
18. Entry of strangers and persons unconnected with any Court related work, in the Court shall be prohibited. All measures which are put in place shall be strictly implemented. Any sort of disobedience in this regard may attract penal provisions.
19. Respective Bar Council and Bar Associations of Maharashtra, Goa and Union Territory may issue instructions to all their members to strictly abide by the lockdown and social distancing norms, failing which, the Head of the establishment may take such action as he deems fit and proper in the circumstances.
20. The members of the Bar may not enter the Court halls unless the matters in which they have been engaged are called in for consideration. Overcrowding of the corridors may also be avoided.

21. The Bar Rooms in all the Courts shall remain closed till further orders.
22. If any Advocate or litigant is found violating the above said guidelines, the Principal District Judge / Principal Judge / Chief Judge shall report the same to the Registrar Inspection I, Bombay High Court - only by e-mail - rginsp-bhc@nic.in. Any violation of the norms may entail the closure of such Court by the High Court, till further order.
23. For any clarification or query, please contact Registrar (Inspection-I).

Sd/-

S.B. Agrawal
(Registrar General)