

GAHC010085902021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL(Suo Moto)/3/2021

XXXX
GUWAHATI, ASSAM

VERSUS

THE ADVOCATE GENERAL, ASSAM AND ANR.
GOVT. OF ASSAM, GUWAHATI

2:THE GAUHATI HIGH BAR ASSOCIATION

REP. BY ITS PRESIDENT
GAUHATI HIGH COURT
GUWAHAT

Advocate for the Petitioner : SC, GHC

Advocate for the Respondent : ADVOCATE GENERAL, ASSAM

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. SUDHANSHU DHULIA

HON'BLE MR. JUSTICE N. KOTISWAR SINGH

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

Court On Its Own Motion

Re: PIL (Suo Motu) Covid-19 Pandemic regarding

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extension of *interim* orders passed by the Gauhati High Court, at its Principal Seat as well as by the Benches at Kohima, Aizawl and Itanagar, and by all Courts as well as Tribunals subordinate to the Gauhati High Court during the second wave of the COVID-19 pandemic.

ORDER
(May 10, 2021)

- 1.** Our country, and in fact the entire world is facing the worst pandemic in our living memory. The second wave of this pandemic, i.e. COVID-19, has been many times more severe and devastating than the first. It has crippled our daily life. Like many other institutions, judiciary is also battling with this crisis, and trying new means and methods to keep the Courts functional under these strange and difficult times.
- 2.** In order to control the spread of Coronavirus in our Courts and our Registries, the Full Court has already taken a few decisions, which restrict the working in the High Court as well as our subordinate district Courts. Notifications to this effect were given on May 1; 2021 and May 9; 2021.
- 3.** Now by our own orders we have restricted the functioning of all Courts, which are now functioning to deal with extremely urgent matters alone. Under these circumstances, there may be cases where great and irreparable harm may be caused due to the obvious hindrance to the access to justice.
- 4.** The Full Court of the High Court in its meeting held on May 8; 2021 had also informally discussed these issues and the matter has now to be dealt with on its judicial side.



5. Considering that there is a daily surge of COVID-19 cases in the State of Assam, as well as in Nagaland, Mizoram and Arunachal Pradesh, the Chief Justice has constituted this Full Bench *suo motu*, to tackle the plight of litigants caught in this extraordinary situation.

6. Having considered the difficulties faced by the litigants and lawyers in approaching the Courts in these difficult times, and particularly due to the restrictions imposed in the working of the Courts by the order of the High Court on its administrative side, we are now of the considered view that the following order needs to be passed in the interest of justice, and we this in exercise of our powers under Article 226 read with Article 227 of the Constitution of India:

(i) In all matters where *interim* orders of this Court and of the Courts and Tribunals subordinate to it were in force till April 19; 2021, but have expired since then or are likely to expire by June 01; 2021, such orders shall unconditionally stand extended, and/or deemed to have been extended till June 01; 2021. This shall include all such orders of the Outlying Benches and the Courts and Tribunals subordinate therein.

(ii) We make it clear that this shall be subject to any order on vacation of stay which may be passed in an individual case in an extremely exceptional situation for which the litigants and parties may approach the concerned Court.

(iii) It is also made clear that any decree for eviction/ dispossession or demolition which was passed by any Court, Tribunal or authority during this period, shall remain in abeyance subject to

any specific orders which may be passed in a given case.

(iv) We also direct that in all cases where the accused/convict is on an *interim* bail, short term bail, or anticipatory bail which expires meanwhile (i.e. before April 19; 2021 to June, 01; 2021), he/she may not surrender and his/her bail orders shall be effective till May, 31; 2021, with all the other conditions stipulated in the order.

7. Put up before this Court on **31st May, 2021**, as In Re: PIL (Suo Motu) Covid-19 Pandemic.

8. The Registrar (Judicial)/Registrar (Judicial) in-charge shall forward through email a copy of this order to all the Deputy Commissioners/District Magistrates of all the Districts, all the Superintendent of Police of all the Districts and District Judges of all the Districts. A copy of this order be immediately uploaded in the website of Gauhati High Court and be also communicated to all the Jail Authorities in each of the Jails in the States.

SD/- M.R. Pathak
(JUDGE)

SD/- N.K. Singh
(JUDGE)

SD/- S. Dhulia
(CHIEF JUSTICE)

TRUE COPY

Comparing Assistant

10/5/21
COURT MASTER
GAUHATI HIGH COURT