

THE GAUHATI HIGH COURT AT GUWAHATI
(HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA :
MANIPUR : TRIPURA : MIZORAM AND ARUNACHAL PRADESH)

NOTIFICATION

Dated Guwahati the 4th February, 2011.

NO.HC.VII-166/2007/ 836 /A. Hon'ble Gauhati High Court has been pleased to formulate **Guidelines for Holding Holiday Courts** in the Sub-Ordinate Judiciary under its jurisdiction, in the following manner -

GUIDELINES FOR HOLDING HOLIDAY COURTS

With the objective of improving the justice delivery system and to increase the number of Court working hours using the existing infrastructure by holding Holiday Courts, the Gauhati High Court is pleased to issue the following guidelines:-

1. The Holiday Courts are intended to take care of an abnormally large number of petty cases pending in various Courts, which clog the justice delivery system. The objective of Holiday Courts is, therefore, to dispose of petty cases in hundreds on a holiday, without disturbing the regular daily work of Courts on a working day.
2. The Holiday Courts are not the substitute for the *Lok Adalats* and hence should not be confused with *Lok Adalats*, where more substantive matters are dealt with.

3. Holiday Courts shall take up the petty cases, where there is no contest or which can be disposed of in hundreds on any given day. The following cases can be taken up in Holiday Courts. The list, however, is illustrative and not conclusive.
- (i) Cases under Excise Act;
 - (ii) Traffic challan cases (under the Motor Vehicle Act);
 - (iii) Cases under the Prevention of Cruelty against Animals Act;
 - (iv) Cases under Shops and Establishment Act;
 - (v) Cases under Weights and Measures Act;
 - (vi) Compoundable cases under IPC;
 - (vii) Cases under IPC where punishment is fine only;
 - (viii) Cases under Acts including IPC where punishment is imprisonment for one year or less or fine or both;
 - (ix) Money suits where claim is up to Rs. 25,000/- and cases under Negotiable Instruments Act where the cheque amount is up to Rs. 25,000/-
4. Pendency of at least 2000 petty cases is considered adequate for holding of Holiday Court, for the time being.
5. The Holiday Courts, whenever necessary and justified, should be held only on the 4th Saturday of the month. At least 400 petty cases is advisable to be listed before each of the Judicial Officers holding the Holiday Court, which figure has been tried and tested and found to be quite manageable.
6. District and Sessions Judge / Chief Judicial Magistrate of the District shall, depending on the requirement, fix the number

of Holiday Courts and identify the Judicial Officers along with necessary staff for holding the Holiday Courts.

7. Holiday Courts should be held in 2 (two) sessions i.e. morning and afternoon sessions. The morning session would be from 10-00 AM to 1-00 PM and the afternoon session would be from 1-30 PM to 4-30 PM. The said timing, however, may be extended depending on the requirement.
8. Holiday Courts should be numbered and the summons issued should contain the following information:-
 - (i) The session (morning or afternoon) in which the case will be taken up;
 - (ii) The Court number;
 - (iii) The expected quantum of fine to be imposed, in case the accused pleads guilty;
 - (iv) Liberty of the accused to pay the quantum of fine mentioned in the summons, on an earlier date, if he / she prefers to plead guilty.
9. Full efforts should be made to ensure that summons are served on the concerned parties well ahead of the date fixed, otherwise it may be difficult to dispose of the case on the date fixed, thereby frustrating the purpose for which the Holiday Courts are held.
10. On the top of the summons "**HOLIDAY COURT URGENT**" should clearly be marked so as to facilitate taking required steps for service of summons by the staff and

the police urgently. It shall also be convenient for the parties concerned.

11. Proper planning and management of Holiday Courts is absolutely important and necessary so as to achieve its objectives. Planning should start at least four weeks in advance. Therefore, planning for each month should start not later than first week, for the first Holiday Court and for subsequent Holiday Courts, immediately after the date of holding preceding Holiday Court, so that the summons are served well in advance, which would facilitate disposal of cases.
12. One day before the date fixed for holding the Holiday Courts, all case records and the procedures adopted should be rechecked, with a view to avoid last minute problems.
13. Every District Judge / Chief Judicial Magistrate shall submit report to the Registry of the High Court as regard outcome of the Holiday Court within 3 (three) working days of holding such Court.
14. The Officers and staff engaged for holding Holiday Court would be paid extra honorarium as mentioned below. The expenditures mentioned below may also required to be made.

(i) Presiding Officer : Rs. 500/- per day.

(ii) UDA/LDA/Copyist : Rs. 200/- per

day.

- (iii) Driver : Rs. 175/- per day.
- (iv) Grade-IV staff : Rs. 150/- per day.
- (v) Light refreshment and working lunch : Actual expense
- (vi) Expenses for preparation of cause list, process, service, order sheet, etc. : Actual expense.

15. The District & Sessions Judge / Chief Judicial Magistrate of the district concerned shall inform the Registry about the total requirement of honorarium, expenses etc. well in advance.
16. The District Judge / Chief Judicial Magistrate of the district holding Holiday Courts may also inform the Registry of the High Court as regard expenses required to be incurred for improvement of facilities for holding Holiday Courts, such as furniture for litigants, almirahs, photocopier, generator etc. for smooth holding of Holiday Courts.
17. The District Judges / Chief Judicial Magistrates of the respective districts shall before holding the Holiday Courts, obtain permission from the High Court from time to time, as soon as the numbers stipulated in Clause-4 of this Guideline is achieved.

By Order,

Sd/- P.K. Saikia,
REGISTRAR GENERAL

Memo No.HC.VII-166/2007/837-54/A, dated 04.02.2011.