

COVID-19 Update: Important Judicial Announcements

SUPREME COURT:

Containment of COVID -19 in Prisons (*Suo Motu* Writ Petition No. 1/2020)

The Hon'ble Supreme Court whilst taking *suo motu* cognizance of the fatal consequences and possible threat of transmission of the Coronavirus issued the following directions:

1. That the physical presence of all the under trial prisoners before the Courts must be stopped forthwith and recourse to video conferencing must be taken for all purposes.
2. That the transfer of prisoners from one prison to another for routine reasons must not be resorted except for decongestion to ensure social distancing and medical assistance to an ill prisoner. Also, there should not be any delay in shifting sick person to a Nodal Medical Institution in case of any possibility of an infection is seen.
3. That prison specific readiness and response plans must be developed in consultation with medical experts. A monitoring team must be set up at the state level to ensure that the directives issued with regard to prison and remand homes are being complied with scrupulously.
4. That each State/Union Territory shall constitute a High Powered Committee comprising of (i) Chairman of the State Legal Services Committee, (ii) the Principal Secretary (Home/Prison) by whatever designation is known as, (iii) Director General of Prison(s), to determine which class of prisoners can be released on parole or an interim bail for such period as may be thought appropriate. **For instance, the State/Union Territory could consider the release of prisoners who have been convicted or are under trial for offences for which prescribed punishment is up to 7 years or less, with or without fine and the prisoner has been convicted for a lesser number of years than the maximum.**

Closure Of Mid-Day Meal Scheme (*Suo Motu* Writ Petition No. 2/2020)

The Hon'ble Supreme Court has directed that the States should come out with a uniform policy so as to ensure, that while preventing spread of COVID-19, the schemes for providing nutritional food to the children, nursing and lactating mothers are not adversely affected.

Cognizance for Extension of Limitation (*Suo Motu* Writ Petition No. 3/2020)

The Hon'ble Supreme Court whilst taking *suo motu* cognizance of the situation arising out of the challenges faced by the country on account of COVID-19 virus and resultant difficulties that may be faced by litigants across the country in filing their petitions/applications/suits/appeals/all other proceedings within the period of limitation prescribed under the general law of limitation or under Special Laws (both Central and/or State) issued the following direction:

That the period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court.

NATIONAL COMPANY APPELLATE LAW TRIBUNAL:

Exclusion of time period for CIRP: Company Appeal (AT) (Insolvency) No. 1/2020

The NCLAT took *suo moto* cognizance of the unprecedented situation arising out of spread of COVID19 virus declared a pandemic and has issued the following directions:

1. That the period of lockdown ordered by the Central Government and the State Governments including the period as may be extended either in whole or part of the country, where the registered office of the Corporate Debtor may be located, shall be excluded for the purpose of counting of the period for Resolution Process under Section 12 of the Insolvency and Bankruptcy

Code, 2016, in all cases where ‘Corporate Insolvency Resolution Process’ has been initiated and pending before any Bench of the National Company Law Tribunal or in Appeal before this Appellate Tribunal.

2. That any interim order/ stay order passed by this Appellate Tribunal under Insolvency and Bankruptcy Code, 2016 shall continue till next date of hearing, which may be notified later.

HIGH COURTS OF INDIA:

Extension of Interim/Stay/Bail Orders

The Hon’ble High Courts of Bombay, Delhi, Chhattisgarh, Kerala, Andhra Pradesh, Punjab & Haryana, Telangana and Gujrat have extended all interim orders/stay orders/interim bail orders passed by the aforementioned High Courts, all the Courts/Tribunals upon which the aforementioned High Courts exercises supervisory jurisdiction under Article 227 of the Constitution of India, except where any order to the contrary has been passed by the Hon'ble Supreme Court of India in any particular matter during the intervening period.

Interim Bail to Under-Trial Prisoners

W.P. (C) No. 9400 of 2020 (Suo Motu)

In light of the pandemic Covid 19, the Hon’ble High Court of Kerala took *suo motu* cognizance and vide its order dated 30th March 2020, granted interim bail to all under-trial / remanded prisoners incarcerated in the jails within the State, who face accusation of having committed offences punishable up to 7 years or less, with or without fine.

Note: The order dated 30th March 2020 shall not apply to prisoners having any criminal antecedents, previous convictions or in the case of habitual offenders and also with respect to persons undergoing trial or remanded custody in more than one cases.