

## **HIGH COURT OF KARNATAKA, BENGALURU**

June 25, 2021

**PARTIAL MODIFICATION TO THE EXISTING STANDARD OPERATING PROCEDURE (SOP) DATED 21.05.2021 WITH EFFECT FROM 28<sup>th</sup> June 2021 APPLICABLE TO ALL THE DISTRICT AND TRIAL COURTS EXCEPT ALL THE COURTS IN DISTRICT MYSURU.**

The existing Standard Operating Procedure (SOP) dated 21.05.2021 is partially modified in relation to the following 29 Districts in view of the Government Order dated 19<sup>th</sup> June 2021 and 21<sup>st</sup> June 2021:

<b>Sl. No.</b>	<b>Name of the Districts</b>
1	Uttara Kananda
2	Belagavi
3	Mandya
4	Koppal
5	Chikkaballapura
6	Tumakuru
7	Kolar
8	Bengaluru Urban
9	Gadag
10	Raichur
11	Bagalkot
12	Kalaburagi
13	Haveri
14	Ramanagara
15	Yadgir
16	Bidar
17	Dharwad
18	Udupi
19	Bengaluru Rural
20	Shivamogga

21	Ballari
22	Chitradurga
23	Vijayapura
24	Chamarajanagar
25	Chikkamagaluru
26	D.K. Mangaluru
27	Davanagere
28	Hassan
29	Kodagu-Madikeri

1. Each Court shall list 30 cases per day i.e., 15 (fifteen) cases in the forenoon session and 15 (fifteen) cases in the afternoon session by preparing separate cause lists for the morning and afternoon sessions in order to reduce the foot fall of Advocates at a time in the Court Halls and Court Premises. To the rest of the cases, dates shall be assigned by use of auto-dating option. No case shall be kept undated. While fixing the cases, priority shall be given to hearing of interlocutory applications, hearing of final oral arguments and recording of evidence in part-heard civil and criminal cases. It will be also open for the Courts to fix criminal and civil cases for recording of evidence subject to compliance of various conditions incorporated in this Standard Operating Procedure (SOP). The ceiling of 30 cases will not apply to bail petitions.
2. As far as possible, the Courts may avoid deciding cases in absence of Advocates. However, if an Advocate representing a party remains absent on the date fixed for hearing, the Court may in its discretion issue Court notice to the party whose Advocate is absent calling upon the party to ensure that his/her Advocate is present on the next date. After service of notice, if the Advocate does not appear or does not apply for adjournment on valid grounds, the Court, in its discretion, may

proceed in absence of the Advocate.

3. Courts are permitted to record evidence of a maximum 5 (five) witnesses per day. It will be open for the Courts to record evidence by physically calling the witnesses in the open Court. However, this restriction will not apply to the cases where either High Court or Supreme Court has fixed outer limit for disposal of the cases. The cases for recording of evidence shall be fixed only in the morning session and as far as possible, no cases shall be fixed for recording of evidence in the afternoon session. In criminal cases, except for recording of evidence of formal witnesses, the Courts are well advised to record the evidence of the witnesses in open Court. In civil cases, evidence can be recorded either through video conferencing or by examining the witnesses in open Court. Until this SOP is modified, to avoid congregation in the Courts, cases shall be listed in such a manner that not more than five witnesses are examined per day. However, there is no upper limit for recording evidence of witnesses through video conferencing. The restrictions on examination of number of witnesses will not apply to recording of statements under Section 164 of the Code of Criminal Procedure, 1973.
4. As far as possible, in the cases of accused in jail, their statements under Section 313 of the Code of Criminal Procedure, 1973, shall be recorded only through video conferencing.
5. No witness shall be allowed to enter the Court complex, unless he/she produces a witness summons or a copy of order of the Court issued to him/her calling upon him/her to remain present. No entry to the parties to the proceedings shall be allowed unless the

concerned Court passes specific order to that effect. The Courts will not normally insist on personal presence of the parties unless it is absolutely necessary.

6. In every Court Complex, separate arrangements shall be made for sitting of the witnesses either in an existing structure situated close to the entry gate or in a temporary pandal erected near the entry gate. Such structure/pandal shall be known as 'witness enclosure'.
7. Each witness shall produce the witness summons or order of the Court, as indicated above, at the entry gate. The same shall be checked by the security personnel deployed at the entry gate. The security personnel shall direct the witnesses to the witness enclosure. In the witness enclosure, sitting arrangements shall be made in such a manner that physical distancing of six feet is maintained between two chairs.
8. A security person shall be kept present in the witness enclosure, who shall ensure that the witnesses follow the norms of physical distancing, wearing of masks etc. When an intimation is received from the Court concerned that the turn of a particular witness to record his/her evidence has come, the Court official shall intimate the same to the witness waiting in the witness enclosure and thereafter the witness shall proceed to the Court concerned.
9. It is clarified that, every person including Judicial Officers, Staff members, Advocates, litigant and witnesses shall be subjected to thermal scanning and an enquiry will be made with them to ascertain whether they have any symptoms of COVID-19. If it is

found that any one has any symptoms of COVID-19, he/she shall not be given entry into the Court complex.

10. When a criminal case is fixed for recording of evidence, Court shall permit the presence of the accused who is on bail for a particular day. The procedure which is required to be followed for giving entry to the witnesses, as indicated above, shall also be followed in case of such accused persons. However, the accused shall not be given entry in the witness enclosure and a separate sitting arrangement shall be made for the accused in the same manner in which arrangements are made for the witnesses.
11. If a party to the proceedings is a witness, the same procedure, which is required to be followed in the case of witnesses, shall be followed.
12. At the time of recording of evidence in criminal cases, the accused who are in jail shall not be produced physically and their presence shall be procured by video conferencing. Only in exceptional cases that the Court may permit production of the accused in jail before the Court. The rules which apply to witnesses and accused on bail shall apply to such accused.
13. Entry of litigants, parties-in-person, to the Court Complexes shall be prohibited. Parties-in-person will be permitted to enter only for the purpose of physical filing. However, they shall not unnecessarily enter the court offices. This restriction will not apply to parties appearing in person before the Family Courts and Labour Courts.

14. The guidelines regarding physical and e-filing of cases mentioned in the SOP dated 21.05.2021 shall continue.
15. Bar Association premises shall be kept closed until further orders. Separate counter shall be maintained in the Bar Association for the purpose of selling stamps only.
16. Canteens/any other food outlets located within the court precincts, shall be kept closed until further orders.
  - a) However, permission is accorded to open a small Tea Stall on working days between 10.00 am to 4.00 pm, outside or near the every Bar Associations to serve only Tea/Coffee and Biscuits on following conditions:
    - i. The place of the stall shall be fixed by the Principal District Judge or In-charge Judge after consulting Bar Associations.
    - ii. The Stall shall be opened on temporary basis preferably by either the existing license holder or any other person as found suitable by the Principal District & Sessions Judge, on such other terms and conditions found necessary, subject to condition that boards shall be displayed near the stall calling upon the members of the Bar to follow social distancing.
    - iii. No articles/eatables shall be served except Tea, Coffee and Biscuits.
    - iv. Photo identity cards shall be issued to those who are going to operate the stalls.
    - v. The permission will be liable to be cancelled if it is misused or if it is found that the rules of social distancing are not followed.
    - vi. Stall shall be sanitized daily before its opening or after its closure.

- b) Permission is also accorded to open Nandini Milk Parlor where ever in the Districts it is situated within the precincts of Court premises subject to following conditions:
- i. They shall display boards near the Milk Parlor calling upon the members of the Bar to follow social distancing.
  - ii. No articles/eatables shall be served except Hot/Cold beverages.
  - iii. Photo identity cards shall be issued to the license holder who is going to open the shop.
  - iv. The permission will be liable to be cancelled if it is misused or if it is found that the rules of social distancing are not followed.
  - v. Stall shall be sanitized daily before its opening or after its closure.

17. Entry of Typists/Job Typists, Xerox operators, to the Court precincts is prohibited. However, maximum 50% machine operators and 50% Job Typists are permitted to enter the court complex per day for operation of their Xerox machines/typing as may be decided by the PDJ on rotation basis on the following conditions:

- i. Only those Xerox machine operators and job typists who have taken both the doses of vaccine shall be permitted on production of vaccination certificate.
- ii. They shall display the boards near the shops/stalls, calling upon the members of the Bar to follow social distancing.

- iii. Photo identity cards shall be issued to those who are going to operate Xerox machines.
  - iv. The permission will be liable to be cancelled if it is misused or if it is found that the rule of social distancing are not followed.
  - v. Shops shall be sanitized daily before its opening or after its closure.
18. The notaries/oath commissioners shall be provided with separate seating arrangement outside the Court. Under no circumstance, Notaries/Oath Commissioners shall be allowed to function inside the precincts of the Courts.
19. Parking of vehicles inside the Court premises shall be allowed only to the vehicles of Judicial Officers, Staff and Advocates.
20. That every person who enters the court premises shall be subjected to thermal scanning and checking about the symptoms.
21. Wherever it is possible, two separate entrances shall be provided to the court complexes, one entrance for the Lawyers as well as Staff Members and the other one for the Litigants, witnesses and others.
22. Sanitizers shall be provided at all the entry points.
23. Use of elevators/lifts shall be restricted to 50% of the capacity excluding the lift operator.
24. Wearing of masks is compulsory in the court precincts. Anybody found not wearing mask shall be immediately required to leave

the premises. All the stakeholders are advised to wear double masks, one of which should be of N-95 mask.

25. Those who are having symptoms of COVID-19 shall not be allowed entry inside the Court Complexes.
26. Advocates, Witnesses, Police personnel etc., shall maintain social distancing in the Court premises, offices, as well as in the court rooms.
27. The relaxation given for the attendance of staff members in the existing SOP is withdrawn. There is no exemption for the staff members from attending their regular duties.

Except the above modifications, all other provisions of the existing Standard Operating Procedure shall continue to operate. The above changes shall be purely on experimental basis, subject to further changes which may be made from time to time and circumstances may warrant.

**B. There will be no change in the existing Standard Operating Procedure (SOP) dated 21.05.2021 for District Mysuru. The above provisions will not apply to District Mysuru.**

BY ORDER OF HON'BLE THE CHIEF JUSTICE,

Sd/-

(T.G. SHIVASHANKARE GOWDA)  
REGISTRAR GENERAL