

HIGH COURT OF KARNATAKA, BENGALURU

September 18, 2020

HIGHLIGHTS OF MODIFIED STANDARD OPERATING PROCEDURE FOR THE DISTRICT AND TRIAL COURTS EFFECTIVE FROM SEPTEMBER 28, 2020

- 1) All district and trial Courts in the State of Karnataka will substantially reopen in a phased manner.
- 2) The Court rooms in all the Courts in the State will be modified for the purpose of recording of evidence by covering the witness box and the accused dock.
- 3) It will be open for the Courts to physically record evidence of a maximum of five witnesses in the morning session on every working day.
- 4) The entry of litigants in the Court complexes will continue to remain prohibited. However, witnesses and the accused (on bail) will be allowed entry into the Court complexes upon production of a negative report of rapid antigen test of the same date.
- 5) Parking of Advocates' vehicles will be allowed at the designated places in the Court complexes. Entry will be allowed only to self-driven vehicles of the Advocates on production of photo-identity passes, which will be issued by the Court administration on the basis of the applications received through the recognized Bar Associations.

- 6) Premises of all Bar Associations will remain open on all Court working days between 10.30 am and 4.00 pm. However, before opening the premises, half of the chairs inside the premises shall be removed, which will naturally reduce the footfall and congregation in the Bar Association premises. For the time being, entry of photocopy machine operators, notaries and typists will not be permitted. For the time being, the canteens in the Court premises will not be permitted to be opened.
- 7) The Courts will reopen in the following phased manner:
 - a) Fifty-five taluka Courts, as mentioned in the Standard Operating Procedure, will reopen in the aforesaid manner with effect from September 28, 2020;
 - b) All Courts in thirteen districts viz., **Davanagere, Haveri, Chitradurga, Chikkaballapura, Raichur, Bidar, Ramanagara, Udupi, Gadag, Kodagu-Madikeri, Koppal, Chamarajanagar and Yadgir** will reopen with effect from October 5, 2020; and
 - c) All Courts in the remaining districts will be reopened with effect from October 12, 2020.

BY ORDER OF HON'BLE THE CHIEF JUSTICE,

**(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL**

HIGH COURT OF KARNATAKA, BENGALURU

September 18, 2020

A. THIS SPECIAL STANDARD OPERATING PROCEDURE (SOP) FOR DISTRICT JUDICIARY WILL APPLY TO ALL THE COURTS IN THE 55 TALUKAS AS LISTED BELOW FROM SEPTEMBER 28, 2020 UNTIL FURTHER ORDERS:

SI. No.	NAME OF THE DISTRICT	NAME OF THE TALUK
1	Bagalkot	Bilagi
2	Ballari	Hadagali
3	Belagavi	Kittur
4		Nippani
5		Mudalagi
6		Khanapura
7	Bidar	Aurad
8	Chamarajanagar	Gundlupete
9		Yelandur
10	Chikkaballapura	Gudibande
11		Shidlaghatta
12	Chikkamagaluru	Koppa
13		Mudigere
14		N.R. Pura
15		Sringeri
16	Chitradurga	Hosadurga
17		Molakalmuru
18	D.K. Mangaluru	Moodabidri
19	Davanagere	Honnali
20	Dharwad	Kalaghatagi
21		Kundagol
22		Navalgund
23	Gadag	Mundaragi
24		Nargund
25		Lakshmeshwar

26	Hassan	Alur
27		Belur
28		Sakleshpura
29	Haveri	Savanur
30	Kalaburagi	Afzalpur
31		Aland
32		Chittapur
33		Jewargi
34		Shahabad
35	Kodagu-Madikeri	Somwarpet
36		Ponnampet
37		Kushalnagar
38	Kolar	Bangarpet
39		Srinivasapur
40	Koppal	Yelburga
41	Mandya	Nagamangala
42	Mysuru	H.D. Kote
43	Shivamogga	Hosanagar
44		Thirthahalli
45	Tumakuru	Chikkanayakanahalli
46		Koratagere
47	U.K. Karwar	Ankola
48		Bhatkal
49		Dandeli
50		Haliyala
51		Honnavaara
52		Kumta
53		Mundgod
54		Siddapura
55		Yellapura

B. FROM OCTOBER 5, 2020, THE SPECIAL SOP WILL APPLY TO ALL THE COURTS IN 13 DISTRICTS VIZ., DAVANAGERE, HAVERI, CHITRADURGA, CHIKKABALLAPURA, RAICHUR, BIDAR, RAMANAGARA, UDUPI, GADAG, KODAGU-MADIKERI, KOPPAL, CHAMARAJANAGAR AND YADGIR.

C. FROM OCTOBER 12, 2020, THE SPECIAL SOP WILL APPLY TO ALL THE COURTS IN THE REST OF THE DISTRICTS.

1. Every Court shall list **FIFTEEN CASES EACH** in the morning session and in the afternoon session. 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). It will be open for the Courts to record evidence by physically calling the witnesses in the open Court. 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 in the morning session.

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.

- 1-A No witness shall be allowed to enter the Court complex, unless he/she produces a witness summons issued to him/her. In the event, a party, on his own, wants to procure the presence of a witness, on an application made by the party, the Court shall issue directions to the office of the

Court to issue entry pass to such witness limited to one day. No witness shall enter the Court complex without producing either a certificate issued by the Government health officer or a report of the recognized laboratory/agency recording that he/she has undergone a rapid antigen test on the same day and that he/she has been tested negative. Needless to add that no person, including the witnesses, shall be given entry into the Court complex unless he/she is wearing proper mask.

- 1-B In every Court, 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'.
- 1-C Each witness shall produce the witness summons or entry pass and a negative COVID-19 report/certificate, 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 witness 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.
- 1-D 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. Before recording of evidence of the witness, a copy of the negative COVID-19 report/certificate shall be taken on record.
- 1-E It is clarified that though the witness produces negative COVID-19 report/certificate at the entry point in the Court Complex, he/she shall be

subjected to thermal scanning and an enquiry will be made with him/her as to whether he/she has any symptoms of COVID-19. If it is found that he/she has any symptoms of COVID-19, notwithstanding the production of negative COVID-19 report/certificate, he/she shall not be given entry into the Court complex.

- 1-F 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 and no accused can be given entry into the Court complex unless he/she produces a negative COVID-19 report/certificate. 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.
- 1-G 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.
- 1-H 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. The rule of producing negative COVID-19 report/certificate will also apply to the members of the police party escorting the accused to the Court.
- 1-I Witness boxes in the Courts shall be covered at least from three sides by thick plastic sheets up to the height of eight feet. Thus, the sides of the witness box facing the Advocates, Court staff and the Judge shall be covered by thick plastic sheets. The box shall not be covered from the

top side. Some holes shall be created at about the height of six feet in the plastic sheet facing the witness for the purpose of ventilation, which will also ensure that the witness is audible to the Judge. In the same manner, even the box provided in the Court for the accused shall be covered with thick plastic sheets on three sides and holes shall be provided above the height of eight feet. The front portion of the dais of the Judicial Officer shall also be covered by a partition of thick plastic sheets and the height of the partition so created shall be of four feet from the top of the Judges' dais. Specification of the partitions and design thereof with photographs will be sent to all Courts.

- 1-J After one witness is examined, the witness box shall be sanitized from inside by wiping by use of clothes dipped in 7% Lysol or any 70% alcohol based disinfectant. Even sprays can be used.

Even the witness box meant for the accused shall be frequently sanitized in the above manner. Court halls which are used for recording of evidence of witness shall be sanitized at the end of every week. At the entry point of the Court halls, hand sanitizer shall be provided. The Presiding Officer shall ensure that the accused/witnesses/parties who enter the Court halls shall, before entering the Court halls, apply hand sanitizer.

- 1-K At the time of recording of evidence in criminal cases, the Advocates appearing for the accused along with maximum of two junior colleagues as well as public prosecutor shall be permitted to remain in Court halls. In civil cases, the same rule shall apply. However, if the parties desire to remain present at the time of recording of evidence, on the basis of the order passed by the Court concerned, entry passes shall be given to them. As in the case of witnesses and accused, the parties shall also be

given entry into the Court complex on production of negative COVID-19 report/certificate and subject to compliance with other conditions.

- 1-L Witnesses/accused/parties to the proceedings shall remain in the Court complex only till the recording of evidence in their case/s is complete. If for no reason, any of them is found inside the Court complex after completion of recording of evidence, the staff of the Court will have the power to ensure that they leave the Court complex.
- 1-M Whenever entry passes are given to witnesses/parties to the proceedings, if their cases are adjourned and their presence is necessary on the next date of hearing, while adjourning the cases, the Court concerned shall specifically pass an order for issue of entry passes for the next date of hearing.
- 1-N As far as possible, in the cases of accused in jail, their statements under Section 313 of the Code of Criminal Procedure, 1973, be recorded only through video conferencing.
- 1-O Only those Advocates along with their one or two junior colleagues shall be allowed entry into the Court complex who have matters on the cause list or who want to make filing of cases. No other Advocate will be allowed to enter the Court complexes.
- 2. Endeavour shall be made to hear oral arguments by video conferencing whenever it is possible. Only the Advocates representing the parties shall be allowed entry inside the Court hall during the hearing of argument. If a party-in-person wants to conduct his/her own case, he/she shall forward an application to that effect in the same manner in which a request for e-filing of cases is made. On the basis of such application, the Court concerned shall issue entry pass to the party-in-person limited to the date fixed for his/her case. For entering the Court complex, apart from

producing the entry pass, as in the case of the witnesses/accused/parties, such party-in-person shall also produce a negative COVID-19 report/certificate. As in case of witnesses/accused/parties, if such party-in-person continues to remain in the Court complex after his/her case is over, the Court staff will have the power to ensure that he/she leaves the Court Complex. If any Advocate who has completed 65 years of age wants to make submissions, video conferencing facility shall be extended to him. Any Advocate is at liberty to seek permission for video conferencing for hearing of argument, which shall be extended and arrangements shall be made.

3. Advocates' clerks and litigants shall not be permitted entry into the Court complex, except in limited cases as provided in this SOP.
4. Wherever the law permits, affidavit in lieu of oral evidence of the parties shall be accepted either through their counsel or by physical filing and for the said purpose, presence of the parties shall not be insisted upon.
5. It shall be ensured that at no point of time, the persons present in the Court Hall including Advocates and the Court staff shall exceed **TWENTY (20)** in number. If at any time more than 20 persons are present in any Court, the functioning of the Court will be stopped by the Judicial Officer. As stated earlier, at the time of recording of evidence, except for the witnesses, parties (when expressly permitted), and their respective Advocate/s, no one shall be allowed to sit in the Court halls.
6. Where Court Rooms are small and cannot accommodate **TWENTY (20)** Advocates and Court Staff, the Principal District Judge is empowered to fix total number of Advocates in the Court Room as per local requirements. The Principal District Judges/Principal Judges will notify

the Court Rooms in which less than **TWENTY (20)** persons can be accommodated.

7. In cases where dates have been assigned by using the option of 'bulk proceedings' in CIS, and assign future date as found convenient, retaining only **30** cases for hearing/recording evidence per day and the same shall be notified to the concerned through SMS. In case of using the option of 'bulk proceedings' in CIS, the order sheets show the Advocates as 'absent'. Such adjournment shall be treated as given by the court *suo motu*. It is clarified that wherever such absence is recorded, it is for technical reasons and not due to absence of Advocates. It shall be ensured that SMS is sent to the Advocates whose cases will not be taken up. The SMS shall be sent on registered cell phone number of the Advocate concerned at least in the morning on the date on which the case is fixed.
8. The cause list restricting **30** cases per day shall be prepared on the previous day and it shall be uploaded in CIS as well as put in the District Court web portal. Further, on daily basis the cause list shall be notified on the Notice Board of the concerned Court with manual entry of the cancelled cases list with future adjourned dates. It shall also be notified in the District Court web portal in addition to sending SMS to Advocates.
9. Subject to the conditions of this SOP, the Presiding Officer is at liberty to organize the Court Work in his/her court for ensuring that the Court is engaged whole day and under no circumstance, total number of persons attending the proceedings shall exceed **20** or less than **20** as provided in clause 6 above, as the case may be, at any given point of time.

10. All the Judges in all Courts shall work on every working day and their cause lists shall be notified as stated above.
11. The Advocates, the staff and the litigants shall scrupulously maintain the norms of physical/social distancing by always maintaining a minimum distance of six feet and shall scrupulously follow the directions and guidelines issued by the High Court from time to time as well as the advisories/SOP issued by the Principal Health Secretary, Government of Karnataka and guidelines issued by the Government of India from time to time.
12. In case of recording of compromise of the matter between the parties, the Courts will follow the guidelines laid down by order dated July 10, 2020 in Writ Petition No 7338 of 2020 (Please refer clause 31). When the Court requires the presence of the parties to ascertain the genuineness of the settlement submitted before the Court, the Court concerned may issue directions to such party/parties to be physically present before the Court to endorse/approve the contents of the compromise petition submitted before the Court. In such cases, the Principal District and Sessions Judge or the Principal Judge concerned shall issue necessary passes to the party/parties concerned by allowing them to enter the Court precincts in connection with reporting the settlement. When a case is required to be advanced for the purpose of reporting settlement, in that event, an application is required to be moved for taking up the matter in the same manner as that of urgent hearing and the Court will again take recourse to the same procedure as referred in this SOP as well as in the above paragraph.
13. As regards, Industrial Tribunals and Labour Courts, the authorized person/ Union leaders shall be permitted to represent the parties before

the Industrial Tribunals and Labour Courts with proper ID and prior appointments as noted in the SOP. However, the said persons will have to produce a negative COVID-19 report/certificate, as in case of witnesses.

14. **Re: Filing:-** Concerned Principal District and Sessions Judge shall take steps to streamline the filings. All physical filing shall be permitted only with the prior appointment. Physical filing will include main matters, interlocutory applications, *vakalaths*, written statement, statement of objections, caveats, other miscellaneous filing as well as application for certified copy. Even for payment of process fee and Court fee, appointment will have to be taken. Adequate number of counters shall be set up, preferably, outside the main Court building. The object is to ensure that the Advocates/Advocates' Clerks do not enter the offices for filing and allied work. The Principal District and Sessions Judges may set up filing counters in the stilt or in witness lounge or other areas away from the main Court building. In case of stilt area is not available, filing counters can be provided in other buildings away from main Court buildings. The location of the filing counters shall be such that Advocates/Advocates' Clerks shall wait in the queue in the open space. Circles or squares be drawn at a distance of six feet to enable the Advocates/Advocates' Clerks waiting in the queue to maintain social distancing. The open space may be covered by water-proof pandal. Appointment shall be fixed in such a way that ten minutes slot is provided to one person at one counter. Depending upon the existing pattern of filing, adequate number of counters shall be provided in all Courts and the counters shall be assigned numbers, which shall be clearly visible even from a long distance. The process of filing shall be personally supervised by the Principal District and Sessions Judge in District Court and in other

Courts by the senior-most Judge available, to ensure that social distancing and other norms are strictly followed. Separate filing counters shall be provided for Criminal and Civil matters, payment of Court fees and for making applications for issue of certified copies and for supplying of certified copies. Filing shall not be accepted from a person who is not wearing a proper mask and who has not followed norms of social distancing. Further, physical filing is only permitted if there is an appointment. Filing will be accepted only if the Advocate or his clerk shows either printed or soft copy of the appointment. The Advocates coming for hearing of the listed matters are not entitled to use the benefit of physical filing without getting a regular appointment through email.

The following action plan for physical filing shall be followed with necessary adaptation to local conditions, namely:

- a. The email-ID, which has already created to enable the advocate/parties in person/advocate's clerks to file new cases physically, shall be continued to use in district headquarters. They will be given an appointment by communicating the date, time and counter number by sending a reply to file new cases physically on the same email ID from which requests are received. In case such email ID is already created for the said purpose, the same shall be used.
- b. Advocates/Parties-in-person/Advocates' Clerks shall not be permitted to enter the Court complex for the purpose of filing and shall not be allowed to do filing unless he/she shows hard or soft copy of the appointment, both at the entrance point and at the filing counter. Filing will not be accepted at the counters if such copy is not shown. The advocates/parties in person/advocates' clerks entering the

court precincts will have to undergo medical screening and only those who are asymptomatic will be allowed entry. Required number of medical staff will be deputed near the entry gates for the screening with the thermal gun.

- c. Para-legal volunteers will be deputed near the filing counters to monitor social distancing.
 - d. The officials deputed to work in filing counters will be provided with required number of masks, gloves and sanitizers before commencing the work.
 - e. The officials in the filing counter will insist the advocates/parties-in-person/advocates' clerks to mention their mobile number, email ID in the *vakalathnama*/ presentation form for further correspondence only with regard to status of the case.
 - f. Only the new cases wherein application / memo has been moved to consider them as urgent matters will be put in a separate box and they will be carried to the scrutiny branch for further action.
 - g. After scrutiny, intimation shall be sent to the concerned, either for rectification of the objections or for hearing to their registered mobile number/email ID.
15. In case of the Courts in talukas, on experimental basis, normal filing will be allowed without fixing prior appointment. However, all filing counters will be outside the main building. The filing can be made by the Advocates/clerks by standing in queue while maintaining minimum

physical distance of six feet. All of them shall wear masks. However, if it is found that the Advocates are not following the norms while filing, the Principal District and Sessions Judge/Principal Judge shall be empowered to introduce the filing only with prior appointments.

16. For the time being, the present facility of e-filing of only fresh cases and interlocutory applications in pending cases, as notified by the Notification dated May 16, 2020, shall continue in addition to physical filing. Caveat and other filings such as *vakalaths* shall be accepted by way of physical filing only.
17. Applications/copying applications along with necessary payment/*vakalathnamas*/objections etc., shall be filed only at designated counters.
18. Except where it is expressed permitted by this SOP, entry of litigants and visitors to the Court complexes is completely prohibited.
19. The Principal District and Sessions Judges shall ensure that minimum number of entry points to the Court precincts are kept open. At all the entry points, which are kept open, health workers of the Government and the police personnel shall remain present, who will regulate the entry in terms of these guidelines. Every person accessing the entry point, including the Judicial Officers, Advocates/Advocates' Clerks/Court Staff etc., shall be checked by the health workers by using thermo sensor gun. In case of staff members, entry shall be allowed only on showing the identity cards. Entry of the members of the Bar and the Advocates' clerks shall be after verifying the identity cards and hearing cause list. The person desirous of seeking entry in the Court premises shall stand in queue by maintaining social distancing and wearing masks.

20. No one with symptoms of cough, fever, running nose, loss of smell/taste, body ache etc., should be allowed entry in the court complex. Only those who are asymptomatic will be allowed entry. Persons with such symptoms shall be immediately informed to visit the nearest government dispensary or hospital.
21. Any person who has provided swab samples for covid-19 testing should not be allowed entry in the court complex, till a negative report is received or till his/her mandatory quarantine period is over, whichever is later. This will apply to all the Judicial Officers, Public Prosecutors, Advocates, Staff Members, Police Officials, Litigant Public and all the visitors who want entry to the court complex.
22. Specified time shall be allocated for acceptance of sureties, execution of bonds and for execution of Indemnity Bonds of claimants. Judicial Officers shall endeavour to follow the guidelines laid down by the High Court of Karnataka in the order dated May 15, 2020, made on the Memo in Criminal Petition No. 2039 of 2020 and order dated July 10, 2020 in Writ Petition No. 7338 of 2020, copies of which have already been circulated, in which it is observed that the personal presence of the sureties is not required.
23. The Unit Head shall take steps to sanitize the Court premises once in a week regularly.
24. The recording of the statement under Section 164 Cr.P.C shall be preferably done through video conferencing as per the guidelines issued by the Karnataka High Court and Supreme Court of India. The production of first remand shall be as far as possible by physically producing the accused. However, by recording reasons, the Magistrate concerned can permit production of accused for the first remand by way of video

conferencing. The Courts shall follow the guidelines laid down by the Apex Court and the Video Conferencing Rules framed by this Court, which is published in the e-gazette dated June 25, 2020.

- 24.A Requisition for recording statement under section 164 Cr.P.C. shall be sent only through email-ID of the concerned Court and any order passed thereon shall be communicated to the concerned through SMS/email.
25. Bar Associations and canteens/any other outlets located within the court precincts, shall be kept closed until further orders.
26. All Bar Associations shall ensure that before the members of the Bar enter the Court precincts, as a one time measure, a written declaration be obtained from all the members of the Bar/Advocates' Clerks, indicating that in the recent past, they have not travelled to any other State or any other country or to any other District in the State of Karnataka which is notified as containment zone. The declaration shall also state that the Advocate has not visited any of the containment areas in the recent past. The Karnataka State Bar Council shall provide the format of such declaration to all the Bar Associations in the State. The Bar Associations shall to make efforts ensure that no member of the Bar enters the precincts of Courts unless his case is listed or he wants to file a case. It is the duty of the Advocates to ensure that there is minimum footfall in Court precincts.
27. Any Advocate intending to avail the services of his clerk, may apply to the concerned Principal District Judge for issuance of temporary ID Card / Pass for the purpose of filing the papers, applying for certified copy, receiving of certified copy, etc. Persons claiming to be Advocates' clerks

shall be allowed to enter the precincts of the Courts only on production of such identity cards or pass.

28. The concerned Principal District Judge shall constitute a Committee of Member Secretary, DLSA, Court Manager and Software Technician to educate advocates regarding E-filing and Video Conferencing with the assistance of the concerned District Training Centre established by the State Government.
29. The Principal District and Sessions Judge shall take steps for setting up additional counters for filing of interlocutory applications and for payment of process fee, Court fee and for submitting challans. The counters shall be set up preferably near the filing counters, but away from the main Court building. Exclusive counter shall be set up for Government Departments for filing of the pleadings, interlocutory applications etc.
30. In respect of payments/disbursements of Court Deposits, the procedure laid down by the Division Bench of Hon'ble of High Court of Karnataka in Writ Petition No 7338 of 2020 vide order dated June 24, 2020 shall be followed by all the Courts.

<https://karnatakajudiciary.kar.nic.in/noticeBoard/wp-7338-2020-24062020.pdf>

31. In respect of physical presence of the parties to record compromise in the civil cases, physical presence of the petitioner to file petition under Section 13B of the Hindu Marriage Act, 1955 and Section 28 of the Special Marriage Act, 1954 and physical presence of the sureties in criminal cases, the procedure laid down by the Division Bench of Hon'ble of High Court of Karnataka in W.P. No. 7338/2020 vide order dated July 10, 2020 shall be followed by all the Courts.

<https://karnatakajudiciary.kar.nic.in/noticeBoard/wp-7338-2020-10072020.pdf>

32. The Principal District and Sessions Judge shall take necessary steps to train advocates of the concerned Districts in the District Training Centre in coordination with the district administration to equip them for e-filing and video conferencing.
33. The Principal District Judge or the Presiding Officer at the taluka level shall convene meeting of advocates and the office bearers of the Bar associations to solicit their co-operation for strict compliance of the above guidelines.
34. 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. Job Typists shall not be allowed to function inside the precincts of the Courts. Even copying machine operator shall not be given entry.
35. Judges may use masks while sitting on Dais.
36. Any infraction or non-cooperation in implementation of the guidelines may result in immediate closure of the Court complex as ordered by the Hon'ble Chief Justice, on the basis of the report of the Unit Heads/ Principal District Judges.
37. The reference to 'Principal District Judge' shall include Principal Judges of all Courts.
38. The Principal District and Sessions Judges shall regularly hold periodical meetings with all the stakeholders such as Deputy Commissioners/Superintendents of Police/Commissioner of Police/ Bar Associations/State Government Health Officers, etc.

38.A The Advocate/Bar Associations premises within the Court complexes shall be kept open only between 10.30 am to 4.00 pm subject to the condition that the members of the Bar shall strictly follow the rules regarding wearing of masks and maintaining physical distancing of six feet. Sitting arrangements inside the Advocate/Bar Associations shall be reduced to half of the present sitting accommodation. Half of the chairs in the Association premises shall be removed and unless the same is done, the premises shall not be opened to Advocates. Typists and Xerox operators will not be given entry into the Court complexes under any circumstances. If it is found that members of the Bar are not following the norms of physical distancing and wearing of masks inside the Advocate/Bar Associations, the Principal District and Sessions Judge/Principal Judge concerned will have the discretion to immediately close down the Advocate/Bar Associations premises. If any member of the Bar who has entered the Bar Association premises is tested positive, the premises shall be kept closed for 24 hours for sanitisation. It is also responsibility of Bar Associations to report Principal District and Sessions Judge/Principal Civil Judge if any member of the Bar is tested positive immediately for further needful action.

No recreation activity, playing of games, cultural activities, programs shall be allowed in the Bar Associations. Bar Association premises shall be sanitized once in a week.

38.B Limited facility of parking of vehicles inside the Court precincts shall be permitted. Four and two wheelers personally driven by the members of the Bar will be allowed entry into the Court precincts, provided the Advocate concerned produces entry/parking pass issued by the Court administration concerned, having photograph of the Advocate, name, address, cell phone number and the registration number of the vehicle.

The local Bar Association shall collect the applications for issue of entry/parking pass from its members. The application form shall contain the name, passport size photograph, address, cell phone number and email id of the Advocate concerned as well as the registration number of the vehicle. Office bearers of the Bar Associations shall submit the applications to the Principal District and Sessions Judge/Principal Judge/Senior-most Judicial Officer in the Court complex concerned. Passes shall be issued within 72 hours from the time of receipt of the applications. Individual applications by the members of the Bar for issue of passes will not be entertained and the applications will have to be submitted only through the Bar Associations concerned. Only those vehicles will be allowed entry which are driven by the holder of the pass. Every person entering the Court complex shall be checked at the entrance. Only the members of the Bar sitting in the vehicle will be given entry. Car parking facility shall not be made available to the litigants. These restrictions shall not apply to vehicles of Judicial Officers. The vehicles of the staff members shall be given entry on production of their identity cards. Parking areas for Advocates, staff and Judicial Officer shall be separately ear marked by the Principal District Judges and sign boards shall be accordingly prominently displayed.

38.C Members of the Bar are not permitted to enter the offices of the Court. As far as possible, they shall avoid unnecessary interaction with the members of the staff.

39. Safety measures to be followed in the Court complexes are as follows:

a) **Lifts:** Avoid using lifts. In case, lifts are to be used, including the attendar the number of Pax shall be less than 50% of the total

capacity of the lifts. Control buttons to be sanitized with 70% alcohol based disinfectant (wiped with a clean dry cotton cloth), avoid spraying of disinfectant on electric circuit. Frequency of cleaning be based on usage and occupancy of lifts with at least 2(two) times per day.

b) **Stairways:** Avoid touching side railings while using staircase, as they may be contaminated. Sanitize hands with 70% alcohol based disinfectant if railings of staircase have been touched. Regularly sanitize the railings of staircase with 7% Lysol or any 70% alcohol based disinfectant. Frequency of cleaning be based on usage OR at least once in 2(two hours).

c) **Door handles & Knobs:** It should be cleaned on priority and at least once in 2(two) hours with 7% Lysol or any 70% alcohol based disinfectant. Door handles include all places right from Building entrance, to Court hall, personal chambers, various offices, toilets, etc. Sanitization of Door Handles, Taps and Faucets in toilets and washrooms to be done frequently (based on usage or at least once in 2 hours).

d) Polycarbonate transparent sheets to be provided to the dais of the Judicial Officer in Court Halls to be sanitized at least once in a day or on beginning of each session of judicial officer.

e) Window shields of witness and accused to be cleaned on the inner side every time for a new witness with 7% Lysol or any 70%

alcohol based disinfectant (by spray). There shall be a gap of few minutes after disinfection, before the witness box and accused dock is again occupied. The outer surface of window shields for witness box shall be cleaned at least 2 (two) times per day. Court officers and others to wear face shields along with face mask.

f) Assessment of high risk contact and low risk contact to be done as per SOP issued by Government of India, Ministry of Health & Family Welfare dated 4th June, 2020, Annexure I (Page 6) and managed.

g) Only the chamber/office room occupied by a confirmed COVID-19 person to be sanitized with 1% sodium hypochlorite, all other branches can continue to work as usual, following social distancing, hand sanitization and proper wearing of face mask.

40. The Hon'ble Supreme Court of India in SUO MOTU WRIT (CIVIL) NO 5 of 2020 in RE: GUIDELINES FOR COURT FUNCTIONING THROUGH VIDEO CONFERENCING DURING COVID-19 PANDEMIC, has passed an order on June 6, 2020, which is to the following effect:

“5. Faced with the unprecedented and extraordinary outbreak of a pandemic, it is necessary that Courts at all levels respond to the call of social distancing and ensure that court premises do not contribute to the spread of virus. This is not a matter of discretion but of duty. Indeed, Courts throughout the country particularly at the level of the Supreme Court and the High Courts have employed video conferencing for dispensation of Justice and as guardians of the Constitution and as protectors of

individual liberty governed by the rule of law. Taking cognizance of the measures adopted by this court and by the High Courts and District Courts, it is necessary for this court to issue directions by taking recourse to the jurisdiction conferred by Article 142 of the Constitution.”

41. In case of any emergent situation, the Hon’ble Chief Justice will take decisions regarding permitting closure of Courts for sanitization and for suspension of physical hearings.
42. Notwithstanding this SOP, the earlier Notification dated August 5, 2020, declaring ‘closure’ of all the Courts only for the purposes of Section 4 of Limitation Act, 1963 **till September 30, 2020**, shall continue to operate.

BY ORDER OF HON’BLE THE CHIEF JUSTICE

Sd/-
(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

Enclosure:

Specimen Vehicle Pass

VEHICLE PASS



Sl.No:.....

Vehicle No:.....

NAME OF ADVOCATE:

VALIDITY FROM:



Signed by:
PRINCIPAL DISTRICT JUDGE / PRINCIPAL JUDGE