

CONFIDENTIAL

HIGH COURT OF KARNATAKA
BENGALURU

3rd May, 2020

REVISED ACTION PLAN FOR DISTRICT AND TALUKA COURTS

1. Though the lockdown is partially lifted, the threat of spread of Novel Corona Virus (COVID-19) will not disappear and therefore, a proper action plan will have to evolved. After lockdown is lifted or substantially relaxed, full-scale functioning of the Courts will have to be commenced only in a phased manner. Hence, General and Special Instructions are issued to implement the Action Plan, as follows -

GENERAL INSTRUCTIONS

DECONGESTION OF OFFICES AND COURT ROOMS

2. In view of modification of lockdown and declaration of zones, a strategy on decongestion of the offices of the Courts and Court rooms, wherever necessary, will have to be evolved.

3. In many Court offices in various Complexes, the windows have been obstructed due to almirahas or racks. The Unit Heads / Principal District Judges during the lockdown period itself should carry out survey so that immediately after the lockdown is relaxed, the almirahas can be shifted by providing better ventilation to the offices. All measures should be taken to provide better ventilation to the Court offices.
4. As far as possible, it is necessary to ensure that a distance of one meter is maintained between the working tables/work stations in the offices to ensure that requisite social distance is maintained.
5. As a measure of decongestion, use of air-conditioners in the Court rooms will have to be prohibited for the time being with a direction to keep the windows and doors of the Court rooms open. Social distancing shall be strictly maintained in the Court rooms by re-arranging the chairs and benches in the Court rooms.
6. The Principal District Judges/Principal Judges shall immediately contact District Administration and disinfect

the Court premises including the premises of the Bar Associations by use of disinfectant spray. This work shall be completed as early as possible and preferably on or before 4th of May 2020. In case, the District Administration is not co-operating, the Registrar General immediately be informed.

THE LIMITED FUNCTIONING OF THE COURT FOR A PERIOD OF TWO WEEKS BETWEEN 4TH MAY TO 16TH MAY 2020

7. In the Court complexes having more than 20 Judicial Officers, on all working days, sitting should be provided approximately 1/5th of judges. While providing sitting, Principal District Judges/Principal Judges shall ensure that at least one judge each from each cadre i.e., District Judges, Senior Civil Judges and Civil Judges are available. While selecting the judges, Principal District Judge shall ensure that on one floor many Courts should not function at a time, if the Court Complex is located in multiple floors.
8. In smaller Courts having 5 or less number of officers, only one Judge should be provided sitting every day. However,

this aspect will have to be worked out depending upon the local conditions.

9. Apart from the aforesaid arrangement, the jurisdictional Magistrates or Special Judges shall regularly attend to remand work. While doing remand work, even for first remand, the judicial officers will request the concerned police station / investigating agencies to arrange production of the accused via video conference only. Only if that is not possible or only if any accused insists for personal production as he wants to make any grievance, physical production of the accused shall be permitted. During day time, remand proceedings should be conducted in Court hall. The Judicial Officer must ensure that the accused wear masks and social distancing is maintained.
10. If an application for bail is sought to be filed in case of accused remanded to police or judicial custody, the same shall be treated as an urgent matter and e-filing and listing should be allowed.

LISTING OF CASES

11. Judicial Officers sitting as stated in paragraphs 7 and 8 above should have regular cause list which can be notified in advance. However, only those matters where submissions are to be heard, such as, final arguments in the proceedings both Civil and Criminal, including appeals/revisions, interim applications or applications for bail etc., can be heard by judicial officers only by video conferencing and that also with the consent of the parties. No judicial work should be done in absence of the parties except for framing issues in civil suits. The Judicial Officers who are given sittings on a particular day can be assigned urgent work by Principal District Judges by making in-charge arrangements. All matters on the cause lists of the Judicial Officers who will be sitting shall be assigned next day. In case of matters which are fixed before the other Courts, dates should be assigned *en bloc* from the last week of May 2020. The judicial officers shall sit only in first half.
12. All judges who have reserved judgments/orders shall try to pronounce the same in these two weeks. The date and time

of pronouncement shall be communicated to the parties. The pronouncements can be made only by video conferencing. The Judicial officers can pronounce the judgments/orders from their home offices. The orders/judgments shall be immediately uploaded.

13. For the present, the existing arrangement of e-filing will continue. However, e-filing of any urgent matter shall be permitted by the Principal District Judges/Principal Judges. Rest of the directions issued to Principal District Judges/Principal Judges in this behalf will be continue for a period of two weeks.
14. On every Mondays and Fridays, Advocates/party-in-person/Advocates' clerks should be allowed to enter the Court only for the purposes of payment of process fees, copying fees and payment of court fees on e-filed matters. The counters should be kept open between 10.30 a.m. to 12.30 p.m. for that purpose. The police/security personnel should be ordered to remain present near the counters for ensuring the maintenance of social distancing.

15. Bar Association building and canteens should not be opened for a period of two weeks.
16. As per instructions already issued, everyone who enters the Court premises including the Judicial Officers shall be subjected to thermal screening/temperature check through health workers of the State Government.
17. No one shall be allowed to enter the Court premises without wearing mask. Entry to the Court premises shall be through only one or two gates. The advisory issued to staff members shall be printed enlarging the same and shall be displayed in the premises of the Court.
18. Hand Sanitizers shall be provided at all counters and the offices.
19. The Principal District Judges/Principal Judges shall ensure that not more than 15 to 20% staff members are called every day during this period of two weeks. They should be called in rotation so that no staff member has any grievance.

20. For this period of two weeks, the Principal District Judges/Principal Judges shall keep minimum Judicial work to themselves and take frequent rounds in the premises of Court on all working days with a view to ensure that social distancing is maintained, rules regarding wearing of masks and washing of hands are also observed and no breach of any of the Government guidelines is committed.
21. No Advocate/Advocates' clerks/party-in-person will be allowed entry to the Court precincts except for payment of Court fees and process fees on Mondays and Fridays.
22. For the present, the closure under Section 4 of the Limitation Act 1963 will continue.

POSSIBILITY OF EXPLOSION OF FILING

(These instructions are issued as regular filing may be permitted in near future.)

23. This is the main issue which will have to be tackled by the Courts where there is heavy filing. After lifting of lockdown, if large number of Advocates and parties come forward for

filing the new cases, the social distancing will be set at naught. One option to avoid this will be to continue the closure for limited purpose of Section 4 of the Limitation Act, 1963 for a week with an appeal to the members of the Bar to start filing of matters. During the extended closure period, filing can be permitted after seeking prior appointment and such prior appointments can be fixed by receiving applications through e-mail. Depending upon the space available and the extent of filing, 70 to 80 slots or even more can be given every day. This will ensure that after the closure for the purpose of filing ends, undue rush can be avoided.

24. In the District Courts having heavy filing, extra filing counters can be set up by converting some of the Court Rooms/Conference Rooms/open corridors as filing counters for a temporary period.
25. Separate instructions will be issued shortly about physical filing of the matters.

PREVENTIVE MEASURES

26. Entry to the Court premises will be allowed only to the persons who are wearing masks. The scanning of lawyers, party-in-persons, members of the staff and litigants will be done at the entry point by using thermal scanners and anyone who is found to have fever or symptoms of COVID-19 at the time of inspection/scanning, will not be allowed to enter the Court premises. Even all the Judicial Officers shall be subjected to similar checks. The Judicial Officers shall also wear masks and follow all rules including social distancing.
27. For each Court, a rough estimate of quantity of masks, hand sanitizer and liquid soap hand wash required for one month shall be prepared. During the lockdown period, a requisition should be submitted to the District Administration/State Government to provide adequate number of appropriate masks, appropriate quantity of hand sanitizer and liquid soap. Liquid soap can be acquired in

bulk and the same be kept in the dispensers in washrooms in the Courts.

28. Advisory has been issued to the staff incorporating stringent measures such as, compulsory use of masks while in the office. After coming to the Court, they should wash their hands by use of liquid soap and they should repeat the same 5-6 times a day. Copies of advisory shall be displayed in the Court offices. Those staff members who have been entrusted with the work to receive the papers at the filing counters should be provided with hand gloves. The Court Officers, Judgment Writers and Judicial Officers be also provided with hand gloves.

29. At the entry points in the offices and Court rooms, hand sanitizers shall be kept. Even inside the Court rooms, hand sanitizers should be provided.

SEPARATE STRATEGY

30. Separate strategy will have to be evolved for the Courts where there is unusual rush of litigants and lawyers such as the City Civil Court Complex, Mayo Hall Court Complex,

CMM Court Complex and Family Court Complex, Bengaluru etc. and other District Court complexes where there are large number of Courts. A separate strategy for City Civil Court Complex has been already reduced into writing.

RESERVED JUDGMENTS AND ORDERS

31. All Judicial Officers shall immediately dispose of the matters where judgments and orders are reserved and they should pronounce the judgments and orders via video conference after contacting the Advocates/party-in-person who are appearing in the matters and informing them by e-mails/messages on their cell phones about the date and time of pronouncement of judgment. The judgments can be pronounced from home offices or Courts and updated immediately on the CIS and uploaded on the NJDG.

LABOUR COURTS, INDUSTRIAL TRIBUNALS AND FAMILY COURTS

32. During the period from 4th May to 16th May 2020, at least one Judicial Officer should be available in the Court thrice a week.

VERY IMPORTANT SPECIAL INSTRUCTIONS

33. Now, new Guidelines have been issued on 1st May 2020 imposing various restrictions in 'Red Zones', 'Orange Zones' and 'Green Zones' respectively.

RED ZONE:

34. For the time being, **the first step of few Judicial Officers sitting in the Court halls, as indicated above, shall not be implemented in the Courts located in 'Red Zones'** and the existing directions regarding e-filing and Video Conferencing hearing will continue to operate in case of the districts which have been declared as Red Zones. However, the Courts will try to hear more cases by video conferencing. Instructions regarding permitting filing will be issued shortly. Thus, in the Courts in red zones, the existing position will continue. But, the Courts shall remain in the state of preparedness.

ORANGE ZONE:

35. As regards the districts which are declared as 'Orange Zones', the Principal District Judges/Principal Judges shall

interact with the Deputy Commissioners of the districts concerned and workout action plan, as already indicated above. The Principal District Judges will ascertain immediately whether any of the Court complexes are in 'Containment Zone'. **In the Court complexes which are in 'Containment Zone' in Orange zones, the action plan of Judicial Officers sitting in the Court halls shall not be implemented and the present guidelines permitting e-filing and video conferencing hearing shall continue. In case of Belagavi district, considering the proximity of the District Court complex to a public hospital where the COVID-19 patients are being treated, the action plan of shall not be implemented until further orders.** However, as regards the other Courts complexes in Belagavi District, the Principal District Judge shall take appropriate decision after consulting the Deputy Commissioner. To all other Court Complexes, the directions issued to Courts in Green Zone will apply. In short, the plan of few Judicial Officers sitting

in Courts shall be implemented from 4th May 2020.
Paragraph 37 will apply to such Court complexes.

GREEN ZONE:

36. As regards the districts which are declared as 'Green Zones', the Action Plan shall be implemented from 4th May 2020. However, before implementing the Action Plan, it is advisable that the concerned Principal District Judges/Principal Judges should interact with the Deputy Commissioners of the concerned districts. In the Green Zones, the Principal District Judges/Principal Judges shall make preparations for regular Court functioning in near future.
37. In Green Zones and Orange Zones, wherever the Action Plan is to be implemented by allowing few Judicial Officers to sit in the Court Halls, the concerned Principal District Judge/Principal Judge shall strictly follow the above noted guidelines by calling minimum number of members of the staff and by ensuring strict compliance of all the safety

norms such as using of masks, maintaining social distancing etc.

ALL ZONES:

38. The Principal District Judge/Principal Judge shall note that even in those Court Complexes where few Judicial Officers are permitted to sit, as stated above, hearing of final arguments should be conducted only by way of video conferencing hearing and the Judicial Officers can do such other work where the presence of the parties and members of the bar is not required. For example, the work of framing Issues can be done. They can keep the draft of the charge ready. They can complete pending administrative work.
39. The Principal District Judges/Principal Judges shall ensure that when the members of the staff affix their signatures in the attendance register or muster, their signature are taken on undertaking to the effect that they will abide by the safety advisories issued by the High Court from time to time. The staff members shall be already informed that

the failure to observe the advisories, especially breach of any of the directions regarding use of masks, washing of hands, maintaining social distancing is committed, it will be treated as a misconduct. The safety advisory already issued shall be prominently displayed in all Court Offices.

40. The Principal District Judges/Principal Judges and the Judges in-charge at Taluka level shall ensure that while commencing the limited functioning of the Courts, breach of any of the directions issued by the Central Government or the State Government in relation to COVID-19 is not committed.
41. It is made clear that in all other Courts in the State in all zones, the present arrangement of e-filing of matters and video conferencing hearing will continue until further orders and the process of accepting physical filing shall be commenced only after expressly permitted by the High Court.

42. It is the duty of the Judicial Officers to take all possible care and steps to prevent spread of COVID-19. All the Judicial Officers shall take care of well being of staff members.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd/-

(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL