

HIGH COURT OF KARNATAKA, BENGALURU

August 27, 2020

**NEW STANDARD OPERATING PROCEDURE (SOP) FOR DISTRICT
JUDICIARY FROM AUGUST 31, 2020 UNTIL FURTHER ORDERS
(IN SUPERSESSION OF ALL EARLIER SOPs,
ADDENDUMS, CIRCULARS AND NOTICES)**

1. From August 31, 2020 till further orders, matters, main or I.A's, fixed for oral arguments and few matters for recording of evidence through video conferencing, preferably the matters where evidence has been partly recorded, shall be listed, i.e.,
 - a) **Fifteen** cases in the Morning session;
 - b) **Fifteen** cases in the Afternoon session.

As far as possible, no case shall be heard in absence of Advocates.

However, if an Advocate representing a party remains absent on the date fixed for hearing, the Court may 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 may proceed in absence of the Advocate.

2. Only hearing of oral arguments is permitted in physical presence of Advocates. Endeavour shall be made to hear oral arguments by video conferencing whenever it is possible. Only the Advocates representing the parties shall be allowed inside the Court hall during the hearing. No party-in-person shall be permitted to conduct the case by appearing in the Court hall and his/her appearance will only be *via*

video conferencing. If any Advocate who has completed 65 years of age wants to make submissions, video conferencing facility shall be extended to him.

3. Any Advocate is at liberty to seek permission for video conferencing which shall be extended and arrangements shall be made.
4. Advocates' clerks and litigants shall not be permitted entry into the court-hall.
5. Subject to further orders of the High Court, in addition to the hearing matters, cases may be listed for recording evidence preferably in consultation with concerned advocates.
6. Evidence shall be recorded only by video conferencing, except for official witnesses. However, the Advocates on both sides can remain present in the court to conduct examination-in-chief and cross-examination through video conferencing. The recording shall be as per the Rules framed by the High Court.
 - 6.A Wherever the rules and the statutes permit, 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. The recording of evidence however shall be strictly through video conferencing.
7. 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 **thirty (30)** in number. If at any time more than 30 persons are present in any Court, the functioning of the Court will be stopped by the Judicial Officer.

8. Where Court Rooms are small and cannot accommodate **thirty (30)** 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 **thirty (30)** persons can be accommodated. Few Vacant Court Rooms shall be kept open for accommodating only those Advocates who are waiting for hearing of cases which are listed on the cause list on a particular day.
9. 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.
10. 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.

11. The Presiding Officer is at liberty to organize the Court Work in his/her court in any other manner found expedient ensuring that the Court is engaged whole day and under no circumstance, total number of persons attending the proceedings shall exceed **30** or less than **30** as provided in clause 8 above, as the case may be, at any given point of time.
12. In all District or Taluka places having cluster of ten and more Courts, **75%** of the Courts shall function on every working day. All the judicial officers shall be present in the Court and those officers having no judicial work, shall attend non-judicial work and administrative work. In other District or Taluka places, where there are less than 10 Courts, but more than one Court, the Principal District and Sessions Judge, after considering the pendency and other exigencies, shall decide the days on which all the Judicial Officers or some of them shall function. Even if a Judicial Officer is not assigned any work on a particular working day, he/she shall remain present in the Court and do administrative work. In Taluka places, where there is only one court, depending upon the pendency in the Court and average filing, the Principal District and Sessions Judge may direct such Judicial Officer to work either for full day or for half a day. The Principal District and Sessions Judge may, in such cases, direct the said Judicial Officer to sit for full day on some of the week days and sit half a day on the other days.
13. Weekly schedule of sittings of Judges shall be prepared in advance on the last working day of earlier week and notified at the earliest and copies thereof shall be supplied to the Bar Associations at the District and the Taluka places.

14. The Advocates, staff and the litigants shall scrupulously maintain the norms of 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.
15. As far as possible, only **75%** of Group-C employees shall be put on duty during the working hours on rotation basis. The Principal District and Sessions Judges, in case of exigencies, shall have discretion to call additional staff members in Group-C. All the staff members belonging to Groups-B and D shall be on duty.
16. The Courts falling within the area declared as containment areas or zone by the State Government shall conduct the Court proceedings only through video conferencing adhering to the rules and the guidelines prescribed by the High Court and the Hon'ble Supreme Court.
17. 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 38). 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 recourse to follow the same procedure as referred to in this SOP as well as in the above paragraph.

18. 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.

18.A All the District and Trial Courts shall give priority to the recording of evidence via Video Conferencing in the cases where evidence has been partly recorded. Priority shall also be given for recording of evidence in the cases where there is a time bound schedule is fixed by the Higher Court for disposal of the cases. Priority shall be also given to the recording of evidence in criminal cases where the accused are in custody.

19. **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.
20. In all Talukas, the 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, as notified earlier with a modification that on an experimental basis, Advocates will be allowed physically to file cases by obtaining prior appointment from Administrative Sheristedar by SMS or WhatsApp. The Advocates having such appointments will be permitted to enter the Court precincts for physical filing, only on showing the appointment on their Cell phones. They will have to show the appointments at the filing counters. The mobile number of the Administrative Shirestedar shall be webhosted on the website of the District Court concerned.

21. 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, including caveat and other filings such as *vakalaths* shall be accepted by way of physical filing only.
22. Applications/copying applications along with necessary payment/*vakalathnamas*/objections etc., shall be filed only at designated counters.
23. The entry of litigants and visitors to the Court precincts is completely prohibited. Entry shall be given only to witnesses on showing a copy of the witness summons at the entry point. In case of accused on bail, whose presence is mandatory before the Court, he/she shall be allowed entry only after verification of cause list and identifying documents of the accused. In the event, Court passes an order of personal appearance of any party, on production of a copy of the order, entry shall be given to a party, provided, the party is asymptomatic and is wearing mask.
24. 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. The person desirous of seeking entry in the Court premises shall stand in queue by maintaining social distancing and wearing masks.

25. No one with symptoms of cough, fever, running nose 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.
26. 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.
27. 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.
28. The Unit Head shall take steps to sanitize the Court premises once in a week regularly.
29. Applications seeking exemption from personal appearance of the complainants and accused shall be liberally dealt with.

30. The recording of the statement under Section 164 Cr.P.C shall be strictly 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.
- 30.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.
31. Bar Associations and canteens/any other outlets located within the court precincts, shall be kept closed until further orders.
32. All Bar Associations shall ensure that before the members of the Bar enter the Court precincts, as a onetime 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 red 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.

33. 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.
34. 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.
35. For the time being, no vehicle shall be allowed inside the Court complex/precincts. This restriction will not apply to the vehicles of the Judicial Officers.
36. 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.
37. 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>

38. 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>
39. 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.
40. 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.
41. 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.

42. Judges may use masks while sitting on Dais.
43. 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.
44. The reference to 'Principal District Judge' shall include Principal Judges of all Courts.
45. 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.
46. 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.”

47. 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.
48. 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

Enclosures:

1. Notice regarding of e-filing – District Court-dated 30.03.2020.
2. Advisory-Note- dated 21.04.2020
3. Notification dated 16.04.2020 - closure of all Dist & Trial Courts
4. Notification permitting Physical Filing in 15 Districts - dated 16.05.2020
5. District-Judiciary-Dress-Code-Circular dated 16.05.2020
6. Rules for Video Conferencing for Courts
7. Process flow of Khajane-II
8. Order dated May 15, 2020, made on the Memo in Criminal Petition No 2039 of 2020.
9. Order dated July 10, 2020, in W.P.No.7338 of 2020.
10. Advisory in respect of COVID-19 issued by Health Department.
11. Modified Advisory to Judicial Officers, Court Staff of all the Courts and the staff in Government Advocates’/Prosecutor’s office issued on June 10, 2020.

Date: 30-03-2020

: NOTICE:

It is hereby notified to Advocates / Party-in-person / Litigant Public that, in case of any extreme urgency, request may be sent to the registered mail Ids of the respective District Courts. If extreme urgency is considered favourable by the Principal District Judge, necessary intimation will be issued by the Principal District Judge, accordingly for permitting e-filing. E-filed matters will be heard only on Tuesdays and Fridays between 11.00 A.M. to 12.30 P.M.

Sl.No.	District	email-id-1	email-id-2
1	Bagalkot	pdjbagalkot@karnataka.gov.in	pdjbgk@gmail.com
2	Ballari	pdjballari@karnataka.gov.in	pdjbellary@gmail.com
3	Belagavi	pdj.belagavi@karnataka.gov.in	pdj.belagavi@gmail.com
4	Bengaluru Rural	pdjbangalorerural@karnataka.gov.in	pdjbangalorerural@gmail.com
5	Bengaluru Urban	pccsjbengaluru@karnataka.gov.in	citycivilcourt.blr@gmail.com
6	Bidar	pdj.bidar@karnataka.gov.in	pdj.bidar@gmail.com
7	Chamarajanagar	pdjchamarajanagar@karnataka.gov.in	pdjchamarajanagar@gmail.com
8	Chikkaballapur	pdjcbpur@karnataka.gov.in	pdj.chikkaballapur@gmail.com
9	Chikkamagaluru	pdjchikkamagaluru@karnataka.gov.in	pdj.chikmagalur@gmail.com
10	Chitradurga	pdjchitradurga@karnataka.gov.in	pdjchitradurga1@gmail.com
11	Dakshina Kannada	pdjmangaluru@karnataka.gov.in	pdj.mangalore@gmail.com
12	Davanagere	pdjdavanagere@karnataka.gov.in	davangere.pdj@gmail.com
13	Dharwad	pdjdharwad@karnataka.gov.in	dharwadpdj@gmail.com
14	Gadag	pdjgadag@karnataka.gov.in	pdj.gadag@gmail.com
15	Hassan	pdjhassan@karnataka.gov.in	pdjhassan@gmail.com
16	Haveri	pdjhaveri@karnataka.gov.in	distjudgehaveri@gmail.com
17	Kalaburagi	pdjkalaburagi@karnataka.gov.in	pdjkalaburagi@gmail.com
18	Kodagu	pdjkodagu@karnataka.gov.in	pdj.kodagu@gmail.com

19	Kolar	pdjkolar@karnataka.gov.in	pdj.kolardistrict@gmail.com
20	Koppal	djkoppal@karnataka.gov.in	dj.koppal@gmail.com
21	Mandya	pdjmandya@karnataka.gov.in	districtjudgemandya@gmail.com
22	Mysuru	pdjmysuru@karnataka.gov.in	pdjmysuru@gmail.com
23	Raichur	pdjraichur@karnataka.gov.in	pdjraichur09@gmail.com
24	Ramanagara	pdjramanagara@karnataka.gov.in	pdjramanagaram@gmail.com
25	Shivamogga	pdjshivamogga@karnataka.gov.in	pdj.shimoga@gmail.com
26	Tumakuru	pdjtumkur@karnataka.gov.in	pdjtumakurudist@gmail.com
27	Udupi	pdjudupi@karnataka.gov.in	dj.udupi@gmail.com
28	Uttara Kannada	pdjuttarakannada@karnataka.gov.in	pdjkarawar@ymail.com
29	Vijayapura	pdjvijayapura@karnataka.gov.in	pdjvijayapura@gmail.com
30	Yadgir	pdjyadgir@karnataka.gov.in	pdj.yadgir@gmail.com
31	Small Cause Court Bangalore	chiefscblr@karnataka.gov.in	smallcause@gmail.com
32	CMM Courts Bangalore	cmmbangalore@karnataka.gov.in	cmm.blr@gmail.com
33	Family Court, Bangalore	pfjcbengaluru@karnataka.gov.in	familycourt0024@gmail.com

By Order of the Hon'ble Chief Justice

Sd/-
(Registrar General)
High Court of Karnataka,
Bengaluru.

HIGH COURT OF KARNATAKA

April 21, 2020

NOTIFICATION

(As applicable to all Districts Courts and Trial Courts in the State)

1. All Principal Districts Judges/Principal Judges and In-charge Judges of the Courts to take a serious note of the advisory (both in English and Kannada language) separately issued to the Judicial Officers and members of the staff of the Courts. A copy of the advisory is enclosed with this order. Ensure that a copy of the same reaches every staff member.
2. Whenever members of the staff are called upon to attend the Court for urgent work or to attend home offices of the Judicial Officers, it shall be ensured that all of them are wearing proper masks and all of them properly wash their hands with soap or hand sanitizer before commencing their work. Social distancing shall be maintained by them. It will be the responsibility of the Judicial Officers to see that members of the staff maintain social distancing. Similarly, the Judicial Officers shall instruct the members of the Bar, Advocates' clerks or parties visiting the Court for the purposes of payment of Court fees and process fees to follow all the rules of safety and social distancing.
3. Every person entering the Court precincts including the Police, Security staff, members of the Court staff, shall be scanned at the entry point by using temperature scanners

by State Government health workers and an inquiry shall be made through health workers to ascertain whether any of them are having known symptoms of Covid-19. If it is found that temperature is not normal or any of them are found to have symptoms, their entry in the Court precincts shall not be permitted. The names and cell phone numbers of the persons entering the Court precincts shall be recorded. No one should be allowed to enter the Court precincts without wearing a proper mask. The aforesaid directions are also applicable to the Advocates/Advocates' clerks/parties-in-person visiting the Courts for the purposes of payment of Court fees or payment of process fees. It is advisable that even Judicial Officers while entering the Court precincts undergo a similar check.

4. The Principal District Judges/Principal Judges/Officers in-charge of the Courts may consider of keeping open only one or two entry points of the Court precincts. Presence of the health workers and equipment for measuring temperature shall be procured by the respective Principal District Judges/Principal Judges of in-charge Judges for all Court complexes under their control by approaching the State Government Officers/officials.

BY ORDER OF HON'BLE THE CHIEF JUSTICE,

Sd/-

(Rajendra Badamikar)
Registrar General

HIGH COURT OF KARNATAKA

ADVISORY TO JUDICIAL OFFICERS, COURT STAFF OF ALL THE COURTS AND THE STAFF IN GOVERNMENT ADVOCATES'/PROSECUTOR'S OFFICE

April 21, 2020

BASIC PROTECTIVE MEASURES AGAINST THE COVID-19 DURING THE COURT HOURS IN COURT PREMISES

The Covid-19 is a pandemic and it requires to be contained. There are several measures which can be adopted by Judicial Officers, staff of High Court and District Judiciary to get protected from being infected by Covid-19 during office visit, some of which are mentioned below:

1. Use of masks in the precincts of the Courts is compulsory. Do not move out of the house without wearing a proper mask. The mask should be proper and clean. Official guidelines are available on social media to make proper mask at home. After entering office, wash your hands with liquid soap. Frequently clean your hands by using an alcohol based hand rub product like gel or sanitizer or wash your hands with alkaline soap and water.
2. Avoid close contact with anyone and maintain at least 6 feet distance between yourself and any other persons in the office. (Maintain all the norms of social Social Distancing).
3. Avoid touching eyes, nose and mouth.
4. Practice good respiratory and personal hygiene.
5. Do not shake hands with anyone.
6. Do not participate in gatherings including sitting in groups at any place.
7. Use hand gloves while dealing with office files/case files.
8. Download Aarogya Sethu App to ascertain the Corona infected persons around you. Make self assessment every day. You have dry cough, cold, throat irritation or temperature, do not go to workplace and contact a doctor.
9. As far as possible, while moving out of your house, always carry a small hand sanitizer bottle with you all along and frequently use it.

Apart from that, you are also requested to adopt certain protective measures while going back home from office or from market after buying grocery/medicines, which are as under:

1. Ring up home before you leave the office or inform the time of reaching home in advance.
2. Someone at home should keep the front door open (so that you don't have to touch the calling bell or door handle) and a bucket of hot water with washing soap powder or bleaching powder added to it in the front door.
3. Keep things (keys with you, sanitizer bottle, and phone) in a box outside the door.
4. Wash your hands in the bucket and wash your feet. Use tissue paper or a clean piece of cloth by putting sanitizer and wipe the items you have placed in the box. The used tissue papers should be disposed of properly. If a clean piece of cloth is used, it should be properly washed as indicted in clause 7.
Then enter the house without touching anything.
5. The bathroom door shall be kept open by and a bucket of hot detergent soap water be kept ready. Soak your clothes used outside in the bucket.
6. Then take a head bath with shampoo and body bath with soap,
7. Wash your clothes/put in washing machine with high temperature settings and dry clothes in direct sunlight.
8. Practice Yoga and Pranayama or do some other good exercise at home.

Note:

- a) **Please remember that you are not only responsible for your own safety, but also for the safety of your family and your colleagues at your workplace. Please note that if you do not take necessary precautions, the others may suffer.**
- b) **The safeguards suggested above are not exhaustive. In addition to the above safeguards, you may follow other safeguards as well.**

BY ORDER OF HON'BLE THE CHIEF JUSTICE,

Sd/-

**(Rajendra Badamikar)
Registrar General**

ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ

ನ್ಯಾಯಾಂಗ ಅಧಿಕಾರಿಗಳು, ಕರ್ನಾಟಕ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ ಮತ್ತು ಜಿಲ್ಲಾ ನ್ಯಾಯಾಲಯಗಳ
ಎಲ್ಲಾ ಸಿಬ್ಬಂದಿಗಳು ಮತ್ತು ಸರಕಾರಿ ವಕೀಲರು ಹಾಗೂ ಅಭಿಯೋಜಕರ ಕಛೇರಿಯ ಅಧಿಕಾರಿ
ಮತ್ತು ಸಿಬ್ಬಂದಿಗಳಿಗೆ ಸಲಹೆ ಮತ್ತು ಸೂಚನೆಗಳು

21/04/2020

ನ್ಯಾಯಾಲಯದ ಕಲಾಪದ ಸಮಯದಲ್ಲಿ ನ್ಯಾಯಾಲಯದ ಆವರಣಗಳಲ್ಲಿ ಕೋವಿಡ್-19
ಹರಡುವಿಕೆಯನ್ನು ತಡೆಗಟ್ಟಲು ಅಳವಡಿಸಿಕೊಳ್ಳಬಹುದಾದ ಸಾಮಾನ್ಯ ರಕ್ಷಣಾತ್ಮಕ ಕ್ರಮಗಳು

ಕೋವಿಡ್-19 ಒಂದು ಪಿಡುಗು ಮತ್ತು ಅದನ್ನು ತಡೆಗಟ್ಟುವುದು ಅತ್ಯಗತ್ಯವಾಗಿದೆ. ಕೋವಿಡ್ -
19 ಸೋಂಕು ತಗಲದಂತೆ ಮತ್ತು ಹರಡದಂತೆ ಮಾಡಲು ನ್ಯಾಯಾಂಗ ಅಧಿಕಾರಿಗಳು,
ನ್ಯಾಯಾಲಯದ ಸಿಬ್ಬಂದಿವರ್ಗ, ಇತರೆ ಅಧಿಕಾರಿಗಳು ಹಾಗೂ ಸಿಬ್ಬಂದಿವರ್ಗದವರು ಕಛೇರಿಯ
ಸಮಯದಲ್ಲಿ ಈ ಕೆಳಗೆ ಹೇಳಿದ ರಕ್ಷಣಾತ್ಮಕ ಕ್ರಮಗಳನ್ನು ಅಳವಡಿಸಿಕೊಳ್ಳತಕ್ಕದ್ದು:-

- 1) ನ್ಯಾಯಾಲಯದ ಆವರಣದಲ್ಲಿ ಬಾಯಿ ಮತ್ತು ಮೂಗು ಮುಚ್ಚಿಕೊಳ್ಳುವಂತೆ ಮೋರೆ
ಮುಸುಕನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಧರಿಸುವುದು. ಸೂಕ್ತವಾದ ಮೋರೆ ಮುಸುಕನ್ನು ಧರಿಸದೆ
ಮನೆಯಿಂದ ಹೊರಗೆ ಹೋಗತಕ್ಕದ್ದಲ್ಲ. ನೀವು ಧರಿಸುವ ಮೋರೆ ಮುಸುಕು
ಸಮಂಜಸ ಮತ್ತು ಶುಭ್ರವಾಗಿರಬೇಕು. ಮೋರೆ ಮುಸುಕನ್ನು ಮನೆಯಲ್ಲಿ
ತಯಾರಿಸಿಕೊಳ್ಳಲು ಅಧಿಕೃತ ಮಾಹಿತಿಯು ಸಾಮಾಜಿಕ ಮಾಧ್ಯಮದಲ್ಲಿ ಲಭ್ಯವಿದೆ.
ಕಛೇರಿ ಪ್ರವೇಶಿಸಿದ ಕೂಡಲೇ ಸಾಬೂನು ಅಥವಾ ಹ್ಯಾಂಡ್‌ವಾಶ್ ಬಳಸಿ ಕೈಯನ್ನು
ತೊಳೆದುಕೊಳ್ಳಿ. ಆಗಾಗ ನೀರು ಹಾಗೂ ಸಾಬೂನು ಬಳಸಿ ಕೈತೊಳೆದುಕೊಳ್ಳಿ ಮತ್ತು
ಮಧ್ಯಸಾರ ಆಧಾರಿತ ನಿರ್ಮಲೀಕಾರಕ ಅಥವಾ ಅರೆ ಘನರೂಪದ ದ್ರಾವಣದಿಂದ
ಕೈಯನ್ನು ಚೊಕ್ಕಗೊಳಿಸಿ.
- 2) ಯಾವುದೇ ವ್ಯಕ್ತಿಯೊಡನೆ ನಿಕಟ ಸಂಪರ್ಕದಿಂದ ದೂರವಿರಿ. ಕಛೇರಿಯಲ್ಲಿ ನಿಮ್ಮ
ಮತ್ತು ಇತರ ವ್ಯಕ್ತಿಗಳ ನಡುವೆ 6 ಅಡಿ ಅಂತರ ಕಾಯ್ದುಕೊಳ್ಳಿ (ಸಾಮಾಜಿಕ ಅಂತರದ
ರೂಡಿಯನ್ನು ಪಾಲಿಸಿ)
- 3) ಕಣ್ಣು, ಮೂಗು ಮತ್ತು ಬಾಯಿಯನ್ನು ಮುಟ್ಟಿಕೊಳ್ಳಬೇಡಿ.
- 4) ಉಸಿರಾಟದ ಹಾಗೂ ವೈಯಕ್ತಿಕ ನೈರ್ಮಲ್ಯವನ್ನು ಕಾಪಾಡಿಕೊಳ್ಳಿ.
- 5) ಇತರರೊಂದಿಗೆ ಕೈ ಕುಲುಕುವುದನ್ನು ಮಾಡಬೇಡಿ.
- 6) ಜನಸಮೂಹದ ಜಾಗಗಳಿಗೆ ಹೋಗಬೇಡಿ ಮತ್ತು ಯಾವುದೇ ಕಾರ್ಯಕ್ರಮದಲ್ಲಿ
ಪಾಲ್ಗೊಳ್ಳಬೇಡಿ ಯಾವುದೇ ಸ್ಥಳದಲ್ಲಿ ಗುಂಪಿನಲ್ಲಿ ಕುಳಿತುಕೊಳ್ಳಬೇಡಿ
- 7) ಕಛೇರಿಯ ಕಡತಗಳೊಂದಿಗೆ ವ್ಯವಹಾರ ಮಾಡುವಾಗ ಕೈಚೀಲವನ್ನು ಬಳಸಿ
- 8) ಕೊರೋನಾ ಸೋಂಕಿಗೆ ತುತ್ತಾಗಿರುವ ವ್ಯಕ್ತಿಯ ಮೇಲೆ ನಿಗಾ ಇರಿಸುವ ಸಲುವಾಗಿ
“ಆರೋಗ್ಯ ಸೇತು” ಆಪನ್ನು ಡೌನ್‌ಲೋಡ್ ಮಾಡಿಕೊಳ್ಳಿ. ಪ್ರತಿದಿನ ನಿಮ್ಮ ವೈಯಕ್ತಿಕ
ಮೌಲ್ಯಮಾಪನ ಮಾಡಿಕೊಳ್ಳಿ. ನಿಮಗೆ ಒಣಕೆಮ್ಮು, ಶೀತ, ಗಂಟಲುನೋವು ಅಥವಾ
ಜ್ವರದ ಲಕ್ಷಣಗಳು ಕಂಡುಬಂದಲ್ಲಿ ಕಛೇರಿಗೆ ಹೋಗಬೇಡಿ, ಆದರೆ ಕೂಡಲೇ
ವೈದ್ಯರನ್ನು ಸಂಪರ್ಕಿಸಿ.

- 9) ಮನೆಯಿಂದ ಹೊರಗೆ ಹೋಗುವಾಗ ಸಾಧ್ಯವಾದಷ್ಟು ಮಟ್ಟಿಗೆ ನಿರ್ಮಲೀಕಾರಕದ ಸಣ್ಣ ಬಾಟಲನ್ನು ತಮ್ಮ ಜೊತೆ ಇಟ್ಟುಕೊಳ್ಳಿ ಮತ್ತು ಅದನ್ನು ಆಗಾಗ ಬಳಸಿ.

ನೀವು ಕಛೇರಿಯಿಂದ ಮನೆಗೆ ವಾಪಾಸ್ಸು ಹೋಗುವಾಗ ಮತ್ತು ಮಾರುಕಟ್ಟೆಗೆ ಭೇಟಿ ನೀಡಿ ಮನೆಗೆ ವಾಪಾಸ್ಸು ಹೋಗುವಾಗ ಕೆಲವು ಸಾಮಾನ್ಯ ರಕ್ಷಣಾತ್ಮಕ ಕ್ರಮಗಳನ್ನು ಅಳವಡಿಸಿಕೊಳ್ಳುತ್ತಿದ್ದು. ಅವುಗಳೆಂದರೆ:

- 1) ನೀವು ಕಛೇರಿಯನ್ನು ಬಿಡುವ ಮೊದಲು ಮನೆಗೆ ಕರೆ ಮಾಡಿ ಮನೆಗೆ ತಲುಪುವ ಸಮಯವನ್ನು ಮನೆಯವರಿಗೆ ತಿಳಿಸಿರಿ
- 2) ನಿಮ್ಮ ಮನೆಯ ಮುಖ್ಯ ದ್ವಾರವನ್ನು ತೆರೆದಿರುವಂತೆ ಸೂಚಿಸಿ (ಇದರಿಂದ ನೀವು ಕರೆಗಂಟೆ ಅಥವಾ ದ್ವಾರದ ಹಿಡಿಯನ್ನು ಮುಟ್ಟುವುದನ್ನು ತಪ್ಪಿಸಬಹುದಾಗಿದೆ) ಮುಖ್ಯದ್ವಾರದಲ್ಲಿ ಒಂದು ಬಕೆಟ್‌ನಲ್ಲಿ ವಾಷಿಂಗ್ ಪೌಡರ್ ಅಥವಾ ಬ್ಲೀಚಿಂಗ್ ಪೌಡರ್ ಬೆರೆಸಿದ ಬಿಸಿನೀರನ್ನು ಇಡಲು ಹೇಳಿ.
- 3) ನಿಮ್ಮಲ್ಲಿರುವ ಬೀಗದ ಕೀಲಿಗಳು, ನಿರ್ಮಲೀಕಾರಕ ಬಾಟಲಿ ಮತ್ತು ಮೊಬೈಲನ್ನು ಒಂದು ಸಣ್ಣ ಬ್ಯಾಗ್‌ನಲ್ಲಿ ಹಾಕಿ ಮನೆಯ ಹೊರಗಿಡಿ.
- 4) ನೀವು ಕೈ, ಕಾಲುಗಳನ್ನು ಬಕೆಟ್ ನೀರಿನಿಂದ ತೊಳೆಯಿರಿ. ಒಂದು ಟಿಶ್ಯೂ ಕಾಗದ ಅಥವಾ ಬಟ್ಟೆಗೆ ನಿರ್ಮಲೀಕಾರಕ ದ್ರಾವಣವನ್ನು ಹಾಕಿ ಬ್ಯಾಗ್‌ನಲ್ಲಿ ಹಾಕಿರುವ ಕೀಲಿಗಳು, ಬಾಟಲಿ ಹಾಗೂ ಮೊಬೈಲನ್ನು ಉಜ್ಜಿ ಶುಚಿಗೊಳಿಸಿ, ಟಿಶ್ಯೂ ಕಾಗದವನ್ನು ಸೂಕ್ತ ರೀತಿಯಲ್ಲಿ ವಿಲೇವಾರಿ ಮಾಡಬೇಕು. ಬಟ್ಟೆಯನ್ನು ಬಳಸಿದ್ದಲ್ಲಿ ಅದನ್ನು ಕ್ರಮಸಂಖ್ಯೆ 7ರಲ್ಲಿ ಹೇಳಿರುವಂತೆ ಒಗೆಯಿರಿ. ಯಾವುದೇ ವಸ್ತುಗಳನ್ನು ಮುಟ್ಟದೆ ಮನೆಯೊಳಗೆ ಪ್ರವೇಶಿಸಿ
- 5) ಸ್ನಾನದ ಕೋಣೆಯ ಬಾಗಿಲನ್ನು ತೆರೆದಿಡುವಂತೆ ತಿಳಿಸಿ ಮತ್ತು ಒಂದು ಬಕೆಟ್‌ನಲ್ಲಿ ಬಿಸಿನೀರಿಗೆ ಬಟ್ಟೆ ಒಗೆಯುವ ಸಾಬೂನನ್ನು ಹಾಕಿ ಇಡುವಂತೆ ತಿಳಿಸಿ. ನೀವು ಧರಿಸಿದ ಬಟ್ಟೆಯನ್ನು ಸದರಿ ನೀರಿನಲ್ಲಿ ನೆನೆಸಿ.
- 6) ನಂತರ ಶ್ಯಾಂಪೂ ಬಳಸಿ ತಲೆಗೆ ಸ್ನಾನಮಾಡಿ ಮತ್ತು ಸಾಬೂನು ಬಳಸಿ ಮೈಸ್ನಾನ ಮಾಡಿ
- 7) ಬಟ್ಟೆ ಒಗೆಯುವ ಸಂಧರ್ಭದಲ್ಲಿ ಬಿಸಿ ನೀರನ್ನು ಬಳಸಿ ಮತ್ತು ವಾಷಿಂಗ್ ಮೆಷಿನ್‌ನ್ನು ಹೆಚ್ಚಿನ ತಾಪಮಾನಕ್ಕೆ ಅಳವಡಿಸಿಕೊಂಡು ಬಟ್ಟೆಯನ್ನು ಒಗೆಯಲು ಮೆಷಿನ್‌ಗೆ ಹಾಕಿ ಮತ್ತು ಸೂರ್ಯನ ನೇರ ಬೆಳಕಿನಲ್ಲಿ ಬಟ್ಟೆಯನ್ನು ಒಣಗಿಸಿ.
- 8) ಮನೆಯಲ್ಲಿ ಯೋಗ, ಪ್ರಾಣಾಯಾಮ ಅಥವಾ ಇತರ ವ್ಯಾಯಾಮ ಮಾಡುವ ಅಭ್ಯಾಸವನ್ನು ರೂಡಿಸಿಕೊಳ್ಳಿ.

ಸೂಚನೆ:

ಅ) ನಿಮ್ಮ ಮತ್ತು ನಿಮ್ಮ ಕುಟುಂಬ ಹಾಗೂ ಕಛೇರಿಯಲ್ಲಿ ನಿಮ್ಮ ಸಹೋದ್ಯೋಗಿಗಳ ಸುರಕ್ಷತೆಗೆ ನೀವು ಜವಾಬ್ದಾರರಾಗಿರುತ್ತೀರಿ ಎಂಬುದನ್ನು ನೆನಪಿಡಿ. ನೀವು ಸೂಕ್ತ ಮುನ್ನೆಚ್ಚರಿಕೆಗಳನ್ನು ಅಳವಡಿಸಿಕೊಳ್ಳದಿದ್ದಲ್ಲಿ ಅವರು ತೊಂದರೆಗೊಳಗಾಗುವ ಸಾಧ್ಯತೆಗಳಿವೆ.

ಅ) ಮೇಲೆ ಸೂಚಿಸಲಾದ ಸುರಕ್ಷತಾ ಕ್ರಮಗಳು ಸಮಗ್ರವಾದುದಲ್ಲ. ಸದರಿ ಕ್ರಮಗಳನ್ನು ಹೊರತುಪಡಿಸಿ, ಬೇರೆ ಸುರಕ್ಷತಾ ಕ್ರಮಗಳನ್ನು ಕೂಡಾ ತಾವು ಅಳವಡಿಸಿಕೊಳ್ಳಬಹುದಾಗಿದೆ.

ಗೌರವಾನ್ವಿತ ಮುಖ್ಯ ನ್ಯಾಯಮೂರ್ತಿರವರ ಆದೇಶದ ಮೇರೆಗೆ,

ಸಹಿ/-
(ರಾಜೇಂದ್ರ ಬಾದಾಮಿಕರ್)
ರಿಜಿಸ್ಟ್ರಾರ್ ಜನರಲ್

HIGH COURT OF KARNATAKA

April 16, 2020

NOTIFICATION

(As applicable to all Districts Courts and Trial Courts in the State)

In view of the Full Court Resolution dated April 13, 2020, in supersession of all earlier order passed in this behalf, Hon'ble the Chief Justice is pleased to pass the following order:

1. It is declared that there shall be '**closure**' of all the District and Trial Courts, Family Courts, Labour Courts and Industrial Tribunals in the State from **April 15 to May 3, 2020 (both days inclusive)**. This period will be treated as the period of closure of the Courts in accordance with Section 4 of the Limitation Act, 1963.
2. In case of extreme urgency, a request for taking up a case which is already filed can be made by sending email to the registered email IDs of the respective Courts as specified in Annexure A to this Notification. A memo stating the details of urgency with all material particulars shall be forwarded by email. The concerned Principal District Judge / Principal Judges may, if satisfied about the existence of the extreme urgency, direct that the case will be heard by a particular Judicial Officer by video conferencing hearing. Necessary instructions to enable the Advocates/Parties-in-person concerned to participate in the video conferencing hearing shall be

issued by the concerned Principal District Judge / Principal Judges by a technical staff member nominated by him.

3. In case of extreme urgency, a request for filing fresh matters or Interlocutory Applications (IAs) in the pending matters shall be submitted to the email IDs of the concerned Court mentioned in Annexure-A to this Notification. The request for e-filing shall be made in the form of a memo stating the details of urgency with material particulars. If the concerned Principal District Judge / Principal Judge is satisfied about the existence of extreme urgency, he will forward detailed instructions for e-filing to the concerned Advocate/Party-in-person on the same email ID from which the request made by the Advocate/Party-in-person is received. After e-filing is made, the concerned Principal District Judge / Principal Judge shall fix a date for hearing which will be communicated to the concerned Advocate/Party-in-person. Necessary instructions for attending the video conferencing hearing shall be issued to the concerned Advocate/Party-in-person by the concerned Principal District Judge / Principal Judge or by a technical staff member nominated by the concerned Principal District Judge / Principal Judge.
4. In the memo submitted in accordance of clauses 3 and 4 above, the Advocate/Party-in-person shall set out his cell phone number. All communications shall be made on

the email ID from which memo is received and on the cell phone number mentioned in the memo.

5. Hearing of urgent matters will be conducted via video conferencing. Necessary instructions will be issued to the Advocates / Parties-in-person when hearing of urgent matter is permitted.
6. Video Conferencing hearing of urgent matters shall be fixed on **each Tuesday and Friday between 11.00 am and 12.30 pm. It can be fixed by Principal District Judge / Principal Judge on any other day in case of grave urgency.** If any Tuesday or Friday is a General Holiday, the matters shall be fixed on immediately next working day.
7. The Principal District Judge / Principal Judge will ensure that a counter in office of the concerned Court is kept open on every **Tuesday and Friday between 11.00 am and 12.30 pm** only for purposes of payment of process fees and for payment of court fees. The payment of process fees will be allowed only in those matters in which notices have been issued during the closure period. Court fees will be received only in respect of the matters which are permitted to be e-filed during closure period.
8. The Principal District Judge / Principal Judge shall ensure that the skeletal staff members who are required to come to the Courts and the Advocates and litigants as

well as Advocates' clerks who enter the Court precincts for purpose of payment of process fee/court fee shall compulsorily wear face masks. It shall be ensured that social distancing is maintained in the Court rooms/offices, filing counters etc., and hand sanitizers are kept for use in all these places.

9. The cases which are already listed up to May 2, 2020 shall be adjourned automatically to subsequent dates, which shall be uploaded in the website as well as CIS.

10. The members of the Bar and litigants are requested to note the order dated March 23, 2020 passed by the Hon'ble Supreme Court of India (***In Suo Motu Writ Petition (Civil) Nos.3/2020 In re: Cognizance for extension of Limitation***) wherein to obviate such difficulties and to ensure that lawyers/litigant do not have to come physically to file such proceedings in respective Courts/Tribunals across the country, it is ordered that a 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 the Supreme Court in the said proceedings.

11. This notification supersedes all notifications/notices issued earlier, as applicable to all the District Courts and Trial Courts in the State, concerning the period of

closure. This notification will be in force till further notification is issued.

12. In view of the decision taken by the Full Court of Hon'ble High Court of Karnataka on April 13, 2020, there **shall be no Summer Vacation to High Court and all other District and Trial Courts in the State.**

BY ORDER OF HON'BLE THE CHIEF JUSTICE,

Sd/-
(Rajendra Badamikar)
Registrar General

HIGH COURT OF KARNATAKA
Bengaluru

Dated May 16, 2020

NOTICE

The High Court has decided to commence the physical filing of new cases in **Bengaluru Urban, Bengaluru Rural, Bidar, Chikkamagaluru, Dharwad, D.K.Mangaluru, Kolar, Kodagu-Madikeri, Gadag, Haveri, Mandya, Mysuru, Tumkuru, Udupi and Yadgiri Districts** on **20th, 21st and 22nd of May 2020 from 11.00 a.m to 1.00 p.m.**

Apart from physical filing of new cases, filing of caveat petitions, statement of objections, vakalathnama and interim applications in pending matters is also permitted during these three days.

The Advocates/parties-in-person/Advocates' clerks who wish to file the matters on the aforesaid dates will have to apply for seeking appointment of the date and time for physical filing of the matters by specifying the matters to be filed by them in the respective Districts. The applications with regard to these Districts shall be made on e-mail ID as may be notified in the official websites of the concerned District Courts. The Advocates/parties-in-person/Advocates' clerks will be communicated the date, time and counter number by sending a reply

for filing of the matters on the same e-mail ID from which requests are received.

The entry will be given to the Court precincts in the concerned District and Taluka Courts in the specified areas, provided the Advocates/parties-in-person/Advocates' clerks show a printed copy of e-mail received fixing the date of appointment or a soft copy thereof is shown to the security personnel.

The Advocates/parties-in-person/Advocates' clerks entering the Court precincts will have to undergo medical screening and only those who asymptomatic will be allowed entry.

The Advocates/parties-in-person/Advocates' clerks are requested to reach the Court precincts ten minutes before the scheduled time of appointment.

For approaching the filing counters, Advocates/parties-in-person/Advocates' clerks will have to stand in queue in the specified areas. Social distancing shall be maintained while standing in the queue. Needless to add that no person will be allowed to enter in the Court precincts without wearing a mask.

A separate Counter will be provided in the same venue for serving the advance copy to the office of the Government Advocates/Pleaders and Public Prosecutors/Asst. Public Prosecutors.

On the presentation form in duplicate Advocates/parties-in-person/ Advocates' clerks shall mention his/her correct e-mail address and cell phone number. On accepting the filing, acknowledgement will be issued on the office copy of presentation form filed in duplicate. FR number and further steps to be taken for rectification of objection etc shall be communicated at the e-mail address/cell phone number mentioned on the presentation form and will also be webhosted in the official website of the District Courts. At a time Advocates/parties-in-person/Advocates' clerks can file 5 matters.

If any urgency for hearing is involved in the matters which may be filed on these three days, memo will have to be moved for fixing the date by following the procedure set out in Notification dated 30th April 2020 in respect of Principal Bench of the High Court which is already published in the official website of the High Court.

The Advocates/parties-in-person/Advocates' clerks who are allowed entry in the precincts of the Court shall strictly follow the norms of safety such as maintaining **social distancing, wearing masks** etc. After filing is completed, Advocates/parties-in-person/Advocates' clerks are requested immediately leave the Court precincts and they will not be allowed to enter the Court building. It is made clear that no Advocates/parties-in-person/Advocates' clerks shall

be allowed entry for the purpose of physical filing of the matters without showing a print out or a soft copy of appointment for filing.

The aforesaid arrangement is made on the trial basis and the same is liable to be cancelled in the event it is found that the Advocates/parties-in-person/Advocates' clerks are not following the safety norms of wearing masks and maintaining social distancing.

The Advocates/parties-in-person/Advocates' clerks are requested to co-operate with the concerned District Judiciary administration.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd/-

(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL



No.DJA.I/Gen./2020

High Court of Karnataka,
Bengaluru,
Dated: 16.05.2020

CIRCULAR

As per the Resolution dated 15.05.2020 of the Hon'ble Full Court, it is hereby directed that for the time being, the dress code of the Advocates of the District Judiciary in the State, who are appearing for video conferencing will be in terms of Circular issued by the Hon'ble Supreme Court of India on May 13th, 2020, which reads thus:

"CIRCULAR

It is notified for the information of all concerned that considering the medical advice, as a precautionary measure to contain spread of Coronavirus (COVID-19) infection under the prevailing conditions, the Competent Authority has been pleased to direct that the Advocates may wear "plain white-shirt/white-salwar-kameez/white saree, with a plainwhite neck band" during the hearings before the Supreme Court of India through Virtual Court System till medical exigencies exist or until further orders.

The above directions shall come into force with immediate effect."

BY ORDER OF THE HON'BLE HIGH COURT,

Sd/-
(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL

Contd....2



-2-

Copy for information and necessary action to:-

1. The Prl. City Civil & Sessions Judge, Bengaluru City, Bengaluru.
2. The Chief Judge, Court of Small Causes, Bengaluru.
3. All the Prl. District & Sessions Judges in the State.
4. The Prl. Judge, Family Court, Bengaluru and all the Judges of Family Courts in the State.
5. All the Presiding Officers of Industrial Tribunals and Labour Courts in the State.
6. The Central Project Co-ordinator, High Court of Karnataka, with a request to web host the above Notification under the High Court Website.
7. Circular file.
8. Office Copy.

With a request to circulate the same amongst all the Judicial Officers coming under their Unit.



ಕರ್ನಾಟಕ ರಾಜ್ಯಪತ್ರ

ಅಧಿಕೃತವಾಗಿ ಪ್ರಕಟಿಸಲಾದುದು

Volume - 155	ಬೆಂಗಳೂರು, ಗುರುವಾರ, 25, ಜೂನ್, 2020 (ಆಷಾಢ, 4, ಶಕವರ್ಷ 1942) Bengaluru, THURSDAY, 25, JUNE, 2020 (Ashadha, 4, ShakaVarsha 1942)	Issue 26
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1987

**HIGH COURT OF KARNATAKA, BENGALURU
NOTIFICATION
HCC NO.18/2020 DATED 09.06.2020**

Preface

Whereas it is expedient to consolidate, unify and streamline the procedure relating to use of video conferencing for Courts; and

In exercise of its powers under Articles 225 and 227 of the Constitution of India, the High Court of Karnataka, with the approval of the Government of Karnataka vide G.O. No.LAW-LCE/84/2020 dated 08.06.2020 makes the following Rules.

Chapter I – Preliminary

1. These Rules shall be called the "Rules for Video Conferencing for Courts".

- (i) These Rules shall apply to such courts or proceedings or classes of courts or proceedings and on and from such date as the High Court may notify in this behalf.

2. Definitions

In these Rules, unless the context otherwise requires:

- (i) "Advocate" means and includes an advocate entered in any roll maintained under the provisions of the Advocates Act, 1961 and shall also include government pleaders/advocates and officers of the department of prosecution.
- (ii) "Commissioner" means a person appointed as commissioner under the provisions of Code of Civil Procedure, 1908¹, or the Code of Criminal Procedure, 1973², or any other law in force.
- (iii) "Coordinator" means a person nominated as coordinator under Rule 5.
- (iv) "Court" includes a physical Court and a virtual Court or tribunal.
- (v) "Court Point" means the Courtroom or one or more places where the Court is physically convened, or the place where a Commissioner or an inquiring officer holds proceedings pursuant to the directions of the Court.
- (vi) "Court User" means a user participating in Court proceedings through video conferencing at a Court Point.
- (vii) "Designated Video Conferencing Software" means software provided by the High Court from time to time to conduct video conferencing.
- (viii) "Exceptional circumstances" include illustratively an epidemic / a pandemic, natural calamities, circumstances implicating law and order and matters relating to the safety of the accused and witnesses.

1. "CPC"

2. "CrPC"

- (ix) "Live Link" means and includes a live television link, audio-video electronic means or other arrangements whereby a witness, a required person or any other person permitted to remain present, while physically absent from the Courtroom is nevertheless virtually present in the Courtroom by remote communication using technology to give evidence and be cross-examined.
- (x) "Remote Point" is a place where any person or persons are required to be present or appear through a video link.
- (xi) "Remote User" means a user participating in Court proceedings through video conferencing at a Remote Point.
- (xii) "Required Person" includes:
- the person who is to be examined; or
 - the person in whose presence certain proceedings are to be recorded or conducted; or
 - an Advocate or a party in person who intends to examine a witness; or
 - any person who is required to make submissions before the Court; or

e. any other person who is permitted by the Court to appear through video conferencing.

- (xiii) "Rules" shall mean these Rules for Video Conferencing for Courts and any reference to a Rule, Sub-Rule or Schedule shall be a reference to a Rule, Sub-Rule or Schedule of these Rules.

Chapter II - General Principles

3. General Principles Governing Video Conferencing

- (i) Video conferencing facilities may be used at all stages of judicial proceedings and proceedings conducted by the Court.
- (ii) All proceedings conducted by a Court by way of video conferencing shall be judicial proceedings and all the courtesies and protocols applicable to a physical Court shall apply to these virtual proceedings. The protocol provided in Schedule I shall be adhered to for proceedings conducted by way of video conferencing.
- (iii) All relevant statutory provisions applicable to judicial proceedings including provisions of the CPC, CrPC, Contempt of Courts Act, 1971, Indian Evidence Act, 1872 (abbreviated hereafter as the Evidence Act), and Information Technology Act, 2000 (abbreviated hereafter as the IT Act), shall apply to proceedings conducted by video conferencing.
- (iv) Subject to maintaining independence, impartiality and credibility of judicial proceedings, and subject to such directions as the High Court may issue, Courts may adopt such technological advances as may become available from time to time.
- (v) The Rules as applicable to a Court shall *mutatis mutandis* apply to a Commissioner appointed by the Court to record evidence and to an inquiry officer conducting an inquiry.
- (vi) There shall be no unauthorised recording of the proceedings by any person or entity.
- (vii) The person defined in Rule 2(xii) shall provide identity proof as recognised by the Government of India/State Government/Union Territory to the Court point coordinator via personal email. In case identity proof is not readily available, the person concerned shall furnish the following personal details: name, parentage and permanent address, as also, temporary address if any.

4. Facilities recommended for Video Conferencing

The following equipment is recommended for conducting proceedings by video conferencing at the Court Point and at the Remote Point:

- (i) Desktop, Laptop, mobile devices with internet connectivity and printer;
- (ii) Device ensuring uninterrupted power supply;
- (iii) Camera;
- (iv) Microphones and speakers;
- (v) Display unit;
- (vi) Document visualizer;
- (vii) Provision of a firewall;
- (viii) Adequate seating arrangements ensuring privacy;
- (ix) Adequate lighting; and
- (x) Availability of a quiet and secure space

5. Preparatory Arrangements

- 5.1 There shall be a Coordinator both at the Court Point and at the Remote Point from which any Required Person is to be examined or heard. However, Coordinator may be required at the Remote Point only when a witness or a person accused of an offence is to be examined.
- 5.2 In the civil and criminal Courts falling within the purview of the district judiciary, persons nominated by the High Court or the concerned District Judge, shall perform the functions of Coordinators at the Court Point as well as the Remote Point as provided in Rule
- 5.3 The Coordinator at the Remote Point may be any of the following:

Sub Rule	Where the Advocate or Required Person is at the following Remote Point:-	The Remote Point Coordinator shall be:-
5.3.1	Overseas	An official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India
5.3.2	Court of another state or union territory within the territory of India	Any authorized official nominated by the concerned District Judge.
5.3.3	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee)	Any authorized person official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority.
5.3.4	Jail or prison	The concerned Jail Superintendent or Officer in-charge of the prison.
5.3.5	Hospitals administered by the Central Government, the State Government or local bodies	Medical Superintendent or an official authorized by them or the person in charge of the said hospital
5.3.6	Observation Home, Special Home, Children's Home, Shelter Home, or any institution referred to as a child facility (collectively referred to as child facilities) and where the Required Person is a juvenile or a child or a person who is an inmate of such child facility.	The Superintendent or Officer in charge of that child facility or an official authorized by them.
5.3.7	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any institution referred to as a women's facility (collectively referred to as women's facilities).	The Superintendent or Officers In-charge of the women's facility or an official authorized by them.
5.3.8	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officers in-charge of the institutional facility or an official authorized by them.
5.3.9	Forensic Science Lab	The Administrative officer in-charge or their nominee.

5.3.10	In case of any other location	The concerned Court may appoint any person deemed fit and proper who is ready and willing to render their services as a Coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the Court in that behalf.
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- 5.4 When a Required Person is at any of the Remote Points mentioned in Sub Rules 5.3 and video conferencing facilities are not available at any of these places the concerned Court will formally request the District Judge, in whose jurisdiction the Remote Point is situated to appoint a Coordinator for and to provide a video conferencing facility from proximate and suitable Court premises.
- 5.5 The Coordinators at both the Court Point and Remote Point shall ensure that the recommended requirements set out in Rule 4 are complied with, so that the proceedings are conducted seamlessly.
- 5.6 The Coordinator at the Remote Point shall ensure that:
- 5.6.1 All Advocates and/or Required Persons scheduled to appear in a particular proceeding are ready at the Remote Point designated for video conferencing at least 30 minutes before the scheduled time.
- 5.6.2 No unauthorised recording device is used.
- 5.6.3 No unauthorised person enters the video conference room when the video conference is in progress.
- 5.6.4 The person being examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and that the person being examined does not refer to any document, script or device without the permission of the concerned Court during the course of examination.
- 5.7 Where the witness to be examined through video conferencing requires or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing and in appropriate cases may transmit non- editable digital scanned copies of all or any part of the record of the proceedings to the official email account of the Coordinator of the concerned Remote Point designated in accordance with Rule 5.3.
- 5.8 Before the scheduled video conferencing date, the Coordinator at the Court Point shall ensure that the Coordinator at the Remote Point receives certified copies, printouts or a soft copy of the non-editable scanned copies of all or any part of the record of proceedings which may be required for recording statements or evidence, or for reference. However, these shall be permitted to be used by the Required Person only with the permission of the Court.
- 5.9 Whenever required the Court shall order the Coordinator at the Remote Point or at the Court Point to provide -
- 5.9.1 A translator in case the person to be examined is not conversant with the official language of the Court.
- 5.9.2 An expert in sign languages in case the person to be examined is impaired in speech and/or hearing.

- 5.9.3 An interpreter or a special educator, as the case may be, in case a person to be examined is differently abled, either temporarily or permanently.

Chapter III - Procedure for Video Conferencing

6. Application for Appearance, Evidence and Submission by Video Conferencing:

- 6.1 Any party to the proceeding or witness, save and except where proceedings are initiated at the instance of the Court, may move a request for video conferencing. A party or witness seeking a video conferencing proceeding shall do so by making a request in the form prescribed in Schedule II.
- 6.2 Any proposal to move a request to for video conferencing should first be discussed with the other party or parties to the proceeding, except where it is not possible or inappropriate, for example in cases such as urgent applications.
- 6.3 On receipt of such a request and upon hearing all concerned persons, the Court will pass an appropriate order after ascertaining that the application is not filed with an intention to impede a fair trial or to delay the proceedings.
- 6.4 While allowing a request for video conferencing, the Court may also fix the schedule for convening the video conferencing.
- 6.5 In case the video conferencing event is convened for making oral submissions, the order may require the Advocate or party in person to submit written arguments and precedents, if any, in advance on the official email ID of the concerned Court.
- 6.6 Costs, if directed to be paid, shall be deposited within the prescribed time, commencing from the date on which the order convening proceedings through video conferencing is received.

7. Service of Summons

Summons issued to a witness who is to be examined through video conferencing, shall mention the date, time and venue of the concerned Remote Point and shall direct the witness to attend in person along with proof of identity or an affidavit to that effect. The existing rules regarding service of summons and the consequences for non-attendance, as provided in the CPC and Cr.PC shall apply with respect to service of summons for proceedings conducted by video conferencing.

8. Examination of persons

- 8.1 Any person being examined, including a witness shall, before being examined through video conferencing, produce and file proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of the CrPC, as the case maybe. The affidavit will *inter alia* state that the person, who is shown to be the party to the proceedings or as a witness, is the same person, who is to depose at the virtual hearing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party.
- 8.2 The person being examined will ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit. The oath will be administered to the person being examined by the Coordinator at the Court Point.

- 8.3 Where the person being examined, or the accused to be tried, is in custody, the statement or, as the case may be, the testimony, may be recorded through video conferencing. The Court shall provide adequate opportunity to the under-trial prisoner to consult in privacy with their counsel before, during and after the videoconferencing.
- 8.4 Subject to the provisions for examination of witnesses contained in the Evidence Act, before the examination of the witness, the documents, if any, sought to be relied upon shall be transmitted by the applicant to the witness, so that the witness acquires familiarity with the said documents. The applicant will file an acknowledgment with the Court in this behalf.
- 8.5 If a person is examined with reference to a particular document then the summons to witness must be accompanied by a duly certified photocopy of the document. The original document should be exhibited at the Court Point in accordance with the deposition of the concerned person being examined.
- 8.6 The Court would be at liberty to record the demeanour of the person being examined.
- 8.7 The Court will note the objections raised during the deposition of the person being examined and rule on them.
- 8.8 The Court shall obtain the signature of the person being examined on the transcript once the examination is concluded. The signed transcript will form part of the record of the judicial proceedings. The signature on the transcript of the person being examined shall be obtained in either of the following ways:
 - 8.8.1 If digital signatures are available at both the concerned Court Point and Remote Point, the soft copy of the transcript digitally signed by the presiding Judge at the Court Point shall be sent by the official e-mail to the Remote Point where a print out of the same will be taken and signed by the person being examined. A scanned copy of the transcript digitally signed by the Coordinator at the Remote Point would be transmitted by official email of the Court Point. The hard copy of the signed transcript will be dispatched after the testimony is over, preferably within three days by the Coordinator at the Remote Point to the Court Point by recognised courier/registered speed post.
 - 8.8.2 If digital signatures are not available, the printout of the transcript shall be signed by the presiding Judge and the representative of the parties, if any, at the Court Point and shall be sent in non-editable scanned format to the official email account of the Remote Point, where a printout of the same will be taken and signed by the person examined and countersigned by the Coordinator at the Remote Point. A non-editable scanned format of the transcript so signed shall be sent by the Coordinator of the Remote Point to the official email account of the Court Point, where a print out of the same will be taken and shall be made a part of the judicial record. The hard copy would also be dispatched preferably within three days by the Coordinator at the Remote Point to the Court Point by recognised courier/registered speed post.
- 8.9 An audio-visual recording of the examination of person examined shall be preserved. An encrypted master copy with hash value shall be retained as a part of the record.
- 8.10 The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.

- 8.11 The Coordinator at the Remote Point shall ensure that no person is present at the Remote Point, save and except the person being examined and those whose presence is deemed administratively necessary by the Coordinator for the proceedings to continue.
- 8.12 The Court may also impose such other conditions as are necessary in a given set of facts for effective recording of the examination (especially to ensure compliance with Rule 5.6.4).
- 8.13 The examination shall, as far as practicable, proceed without interruption or the grant of unnecessary adjournments. However, the Court or the Commissioner as the case may be, will be at liberty to determine whether an adjournment should be granted, and if so, on what terms.
- 8.14 The Court shall be guided by the provisions of the CPC and Chapter XXIII, Part B of the CrPC, the Evidence Act and the IT Act while examining a person through video conferencing.
- 8.15 Where a Required Person is not capable of reaching the Court Point or the Remote Point due to sickness or physical infirmity, or presence of the required person cannot be secured without undue delay or expense, the Court may authorize the conduct of video conferencing from the place at which such person is located. In such circumstances the Court may direct the use of portable video conferencing systems. Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Court.
- 8.16 Subject to such orders as the Court may pass, in case any party or person authorized by the party is desirous of being physically present at the Remote Point at the time of recording of the testimony, such a party shall make its own arrangement for appearance/representation at the Remote Point.

9. Exhibiting or Showing Documents to Witness or Accused at a Remote Point

If in the course of examination of a person at a Remote Point by video conferencing, it is necessary to show a document to the person, the Court may permit the document to be shown in the following manner:

- 9.1 If the document is at the Court Point, by transmitting a copy or image of the document to the Remote Point electronically, including through a document visualizer; or
- 9.2 If the document is at the Remote Point, by putting it to the person and transmitting a copy/image of the same to the Court Point electronically including through a document visualizer. The hard copy of the document counter signed by the witness and the Coordinator at the Remote Point shall be dispatched thereafter to the Court Point via authorized courier/registered speed post.

10. Ensuring seamless video conferencing

- 10.1 The Advocate or Required Person, shall address the Court by video conferencing from a specified Remote Point on the date and time specified in the order issued by the Court. The presence of the coordinator will not be necessary at the Remote point where arguments are to be addressed by an advocate or party in person before the Court.
- 10.2 If the proceedings are carried out from any of the Remote Point(s) (in situations described in Rules 5.3.1 to 5.3.9) the Coordinator at such Remote Point shall ensure compliance of all technical requirements. However, if the proceedings are conducted from a Remote Point

falling in the situation contemplated under Rule 5.3.10, such as an Advocate's office, the Coordinator at the Court Point shall ensure compliance of all technical requirements for conducting video conferencing at both the Court Point and the Remote Point.

- 10.3 The Coordinator at the Court Point shall be in contact with the concerned Advocate or the Required Person and guide them in regard to the fulfilment of technical and other requirements for executing a successful hearing through video conferencing. Any problems faced by such Remote Users shall be resolved by the Court Point Coordinator. The Court Point Coordinator shall *inter alia* share the link of the video conferencing hearing with such Remote Users.
- 10.4 The Coordinator at the Court Point shall ensure that any document or audio-visual files, emailed by the Remote User, are duly received at the Court Point.
- 10.5 The Coordinator at the Court Point shall also conduct a trial video conferencing, preferably 30 minutes prior to scheduled video conferencing in order to ensure that all the technical systems are in working condition at both the Court Point and the Remote Point.
- 10.6 At the scheduled time, the Coordinator at the Court Point shall connect the Remote User to the Court.
- 10.7 On completion of the video conferencing proceeding, the Court shall mention in the order sheet the time and duration of the proceeding, the software used (in case the software used is not the Designated Video Conferencing Software), the issue(s) on which the Court was addressed and the documents if any that were produced and transmitted online. In case a digital recording is tendered, the Court shall record its duration in the order sheet along with all other requisite details.
- 10.8 The Court shall also record its satisfaction as to clarity, sound and connectivity for both Court Users and Remote Users.
- 10.9 On the completion of video conferencing, if a Remote User is of the opinion that they were prejudiced due to poor video and/or audio quality, the Remote User shall immediately inform the Coordinator at the Court Point, who shall in turn, communicate this information to the Court without any delay. The Court shall consider the grievance and if it finds substance in the grievance may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in Court.

11. Judicial remand, framing of charge, examination of accused and Proceedings under Section 164 of the CrPC

- 11.1 The Court may, at its discretion, authorize detention of an accused, frame charges in a criminal trial under the CrPC by video conferencing. However, ordinarily judicial remand in the first instance or police remand shall not be granted through video conferencing save and except in exceptional circumstances for reasons to be recorded in writing.
- 11.2 The Court may, in exceptional circumstances, for reasons to be recorded in writing, examine a witness or an accused under Section 164 of the CrPC read with Rule 5 of Chapter V of the Karnataka Criminal Rules of Practice, 1968 or record the statement of the accused under Section 313 CrPC through video conferencing, while observing all due precautions to ensure that the witness or the accused as the case may be is free of any form of coercion,

threat or undue influence. The Court shall ensure compliance with Section 26 of the Evidence Act.

Chapter IV - General Procedure

12. General procedure

- 12.1 The procedure set out hereafter in this chapter is without prejudice to the procedure indicated elsewhere in these Rules qua specific instances in which proceedings are conducted via video conferencing.
- 12.2 The Coordinator at the Court Point shall ensure that video conferencing is conducted only through a Designated Video Conferencing Software. However, in the event of a technical glitch during a given proceeding, the concerned Court may for reasons to be recorded permit the use of a software other than the Designated Video Conferencing Software for video conferencing in that particular proceeding.
- 12.3 The identity of the person to be examined shall be confirmed by the Court with the assistance of the Coordinator at the Remote Point in accordance with Rule 8.1, at the time of recording of the evidence and the same must be reflected in the order sheet of the Court.
- 12.4 In civil cases, parties requesting for recording statements of the person to be examined by video conferencing shall confirm to the Court, the location of the person, the willingness of such person to be examined through video conferencing and the availability of technical facilities for video conferencing at the agreed upon time and place.
- 12.5 In criminal cases, where the person to be examined is a prosecution witness or a Court witness, or where a person to be examined is a defence witness, the counsel for the prosecution or defence counsel, as the case maybe, shall confirm to the Court the location of the person, willingness to be examined by video conferencing and the time, place and technical facility for such video conferencing.
- 12.6 In case the person to be examined is an accused, the prosecution will confirm the location of the accused at the Remote Point.
- 12.7 Video conferencing shall ordinarily take place during the Court hours. However, the Court may pass suitable directions concerning the timing and schedule of video conferencing as the circumstances may warrant.
- 12.8 If the accused is in custody and not present at the Court Point, the Court will order a multi-point video conference between itself, the witness and the accused in custody to facilitate recording of the statement of the witness (including medical or other expert). The Court shall ensure that the defence of the accused is not prejudiced in any manner and that the safeguards contained in Rule 8.3 are observed.
- 12.9 The Coordinator at the Remote Point shall be paid such amount as honorarium as may be directed by the Court in consultation with the parties.

13. Costs of Video Conferencing

In the absence of rules prescribed by the concerned Court, the Court may take into consideration following circumstances when determining and/or apportioning the costs of video conferencing:

- 13.1 In criminal cases, the expenses of the video conferencing facility including expenses

involved in preparing soft copies/certified copies of the Court record and transmitting the same to the Coordinator at the Remote Point, and the fee payable to translator / interpreter/special educator, as the case may be, as also the fee payable to the Coordinator at the Remote Point, shall be borne by such party as directed by the Court.

- 13.2 In civil cases, generally, the party making the request for recording evidence, through video conferencing shall bear the expenses.
- 13.3 Besides the above, the Court may also make an order as to expenses as it considers appropriate, taking into account rules / instructions regarding payment of expenses to the complainant and witnesses, as may be prevalent from time to time.
- 13.4 It shall be open to the Court to waive the costs as warranted in a given situation.

14. Conduct of Proceedings

- 14.1 All Advocates, Required Persons, the party in person and/or any other person permitted by the Court to remain physically or virtually present (hereinafter collectively referred to as participants) shall abide by the requirements set out in Schedule I.
- 14.2 Before the commencement of video conferencing all participants, shall have their presence recorded. However, in case a participant is desirous that their face or name be masked, information to that effect will be furnished to the Court Point Coordinator prior to the commencement of the proceeding.
- 14.3 The Court Point Coordinator shall send the link / Meeting ID / Room Details via the email Id / mobile number furnished by the Advocate or Required Person or other participant permitted to be virtually present by the Court. Once the proceedings have commenced, no other persons will be permitted to participate in the virtual hearing, save and except with the permission of the Court.
- 14.4 The participants, after joining the hearing shall remain in the virtual lobby if available, until they are admitted to virtual hearing by the Coordinator at the Court Point.
- 14.5 Participation in the proceedings shall constitute consent by the participants to the proceedings being recorded by video conferencing.
- 14.6 Establishment and disconnection of links between the Court Point and the Remote Point would be regulated by orders of the Court.
- 14.7 The Court shall satisfy itself that the Advocate, Required Person or any other participant that the Court deems necessary at the Remote Point or the Court Point can be seen and heard clearly and can clearly see and hear the Court.
- 14.8 To ensure that video conferencing is conducted seamlessly, the difficulties, if any, experienced in connectivity must be brought to the notice of the Court at the earliest on the official email address and mobile number of the Court Point Coordinator which has been furnished to the participant before the commencement of the virtual hearing. No complaint shall subsequently be entertained.
- 14.9 Wherever any proceeding is carried out by the Court under these Rules by taking recourse to video conferencing, this shall specifically be mentioned in the order sheet.

15. Access to Legal Aid Clinics/Camps/Lok Adalats/Jail Adalats

- 15.1 In conformity with the provisions of the Legal Services Authorities Act, 1987 and the laws

in force, in proceedings related to Legal Aid Clinics, Camps, Lok Adalats or Jail Adalats, any person who at the Remote Point is in Jail or Prison shall be examined by the Chairman / Secretary of the District Legal Service Authority or Taluka Legal Service Committee or Members of Lok Adalats before passing any award or orders in accordance with law.

15.2 Such award or order shall have the same force as if it was passed by the regular Lok Adalat or Jail Adalat.

15.3 Copy of the award or order and the record of proceedings shall be sent to the Remote Point.

16. Allowing persons who are not parties to the case to view the proceedings

16.1 In order to observe the requirement of an open Court proceeding, members of the public will be allowed to view Court hearings conducted through video conferencing, except proceedings ordered for reasons recorded in writing to be conducted in-camera. The Court shall endeavour to make available sufficient links (consistent with available bandwidth) for accessing the proceedings.

16.2 Where, for any reason, a person unconnected with the case is present at the Remote Point, that person shall be identified by the Coordinator at the Remote Point at the start of the proceedings and the purpose of the presence of that person shall be conveyed to the Court. Such a person shall continue to remain present only if ordered so by the Court.

Chapter V – Miscellaneous

17. Reference to Words and Expressions

Words and expressions used and not defined in these Rules shall have the same meaning as assigned to them in the CPC, the CrPC, Evidence Act, IT Act, and the General Clauses Act, 1897.

18. Power to Relax

The High Court may if satisfied that the operation of any Rule is causing undue hardship, by an order dispense with or relax the requirements of that Rule to such extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner.

19. Residual Provisions

Matters with respect to which no express provision has been made in these Rules, shall be decided by the Court consistent with the principle of furthering the interests of justice.

SCHEDULE I

1. All participants shall wear sober attire consistent with the dignity of the proceedings. Advocates shall be appropriately dressed in professional attire prescribed under the Advocates Act, 1961. Police officials shall appear in the uniform prescribed for police officials under the relevant statute or orders. The attire for judicial officers and Court staff will be as specified in the relevant rules prescribed in that behalf by the High Court. The decision of the Presiding Judge or officer as to the dress code will be final.
2. Proceedings shall be conducted at the appointed date and time. Punctuality shall be scrupulously observed.
3. The case will be called out and appearances shall be recorded on the direction of the Court.
4. Every participant shall adhere to the courtesies and protocol that are followed in a physical Court. Judges will be addressed as "Madam/Sir" or "Your Honour". Officers will be addressed by their designation such as "Bench Clerk/Court Officer". Advocates will be addressed as "Learned Counsel/Senior Counsel"
5. Advocates, Required Persons, parties in person and other participants shall keep their microphones muted till such time as they are called upon to make submissions.
6. Remote Users shall ensure that their devices are free from malware.
7. Remote Users and the Coordinator at the Remote Point shall ensure that the Remote Point is situated in a quiet location, is properly secured and has sufficient internet coverage. Any unwarranted disturbance caused during video conferencing may if the Presiding Judge so directs render the proceedings *non-est*.
8. All participants' cell phones shall remain switched off or in airplane mode during the proceedings.
9. All participants should endeavour to look into the camera, remain attentive and not engage in any other activity during the course of the proceedings.

SCHEDULE II

Request Form for Video Conference

1. Case Number / CNR Number (if any)
2. Cause Title
3. Proposed Date of conference (DD/MM/YYYY): _____
4. Location of the Court Point(s): _____
5. Location of the Remote Point(s): _____
6. Names & Designation of the Participants at the Remote Point: _____
7. Reasons for Video Conferencing:

In the matter of:

8. Nature of Proceedings: Final Hearing Motion Hearing Others

I have read and understood the provisions of [Rules for Video Conferencing](#) for Courts (hyperlink). I undertake to remain bound by the same to the extent applicable to me. I agree to pay video conferencing charges if so, directed by the Court.

Signature of the applicant/authorised

Date:

For the use of the Registry / Court Point Co-ordinator

A) Bench assigned:

B) Hearing:

Held on(DD/MM/YYYY):

Commencement Time:

End time:

Number of hours:

C) Costs:

Overseas transmission charges if any:

To be Incurred by Applicant / Respondent:

To be shared equally:

Waived; as ordered by the Court:

Signature of the authorised officer:

Date:

BY ORDER OF THE HIGH COURT,

Sd/-

(RAJENDRA BADAMIKAR)

REGISTRAR GENERAL

Process Flow Document for Court Fees Remittances through Khajane II portal.

Introduction:

The Finance Department (Government of Karnataka) has implemented Khajane 2, an Integrated Financial Management Systems electronic platform. All the payments and the receipts of the Government of Karnataka are routed through this electronic platform. The platform is integrated with the eKuber of RBI and also the banking systems to facilitate electronic remittances into the Treasuries and also the electronic payments to the beneficiaries.

Khajane 2 has established a Unified Payment Gateway, for receipt of all the remittances to the Government. This Portal (available at <https://k2.karnataka.gov.in>) allows remittances to the Government of Karnataka through multiple modes (Over the counter challans; Net banking; Neft/RTGS). The remitters are required to generate challan on the portal favouring the offices to which remittances are to be made and make the remittances.

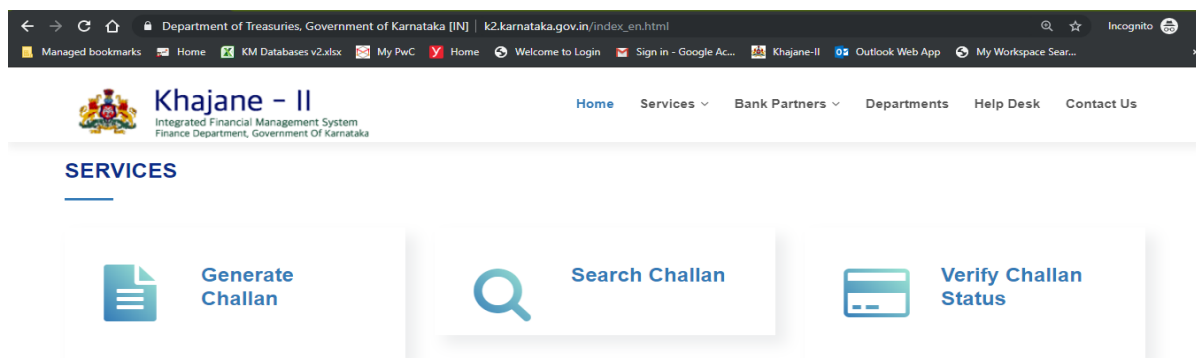
For court fees remittances, this document gives the process flow guidance that can be followed. Khajane 2 remittances can be done using Khajane 2 front end portal, by accessing the following URL <https://k2.karnataka.gov.in>

This site has the following features for remitters:

1. Challan Generation
2. Online Payment
3. Search Challan &
4. Double Verification

Process Flow:

Step 1: Access Khajane 2 portal through URL <https://k2.karnataka.gov.in>



Step 2: Click on Generate Challan

ಚಲನ್ ಸೃಜನೆ | Challan Generation

ಚಲನ್ ದಿನಾಂಕ | Date of Challan

ದಿನಾಂಕ
Date: 19/08/2019

ಸಂದಾಯದಾರರ ವಿವರಗಳು | Remitter Details

ಪ್ರಥಮ ಹೆಸರು First Name	<input type="text"/>	ಮಧ್ಯದ ಹೆಸರು Middle Name	<input type="text"/>
ಕೊನೆಯ ಹೆಸರು Last Name	<input type="text"/>	ಇ-ಮೇಲ್ E-mail	<input type="text"/>
ವಿಳಾಸ Address	<input type="text"/>		

ಇಲಾಖೆಯ ವಿವರಗಳು | Department Details

ವರ್ಗ Category	Select	ಜಿಲ್ಲೆ District	Select
ಇಲಾಖೆ Department	Type Department Name	ಡಿಡಿಓ ಕಛೇರಿ DDO Office	Select
ಡಿಡಿಓ ಕೋಡ್ DDO Code	<input type="text"/>		

Step 3 : Enter Remitter Details such as Name, Address, Email & Mobile Number

ಚಲನ್ ಸೃಜನೆ | Challan Generation

ಚಲನ್ ದಿನಾಂಕ | Date of Challan

ದಿನಾಂಕ
Date: 19/08/2019

ಸಂದಾಯದಾರರ ವಿವರಗಳು | Remitter Details

ಪ್ರಥಮ ಹೆಸರು First Name	test	ಮಧ್ಯದ ಹೆಸರು Middle Name	test
ಕೊನೆಯ ಹೆಸರು Last Name	test	ಇ-ಮೇಲ್ E-mail	test@test.com
ವಿಳಾಸ Address	test		
		ಮೊಬೈಲ್ ಸಂಖ್ಯೆ Mobile Number	1234567890

Step 4 : Under Category drop down select Government

ಇಲಾಖೆಯ ವಿವರಗಳು | Department Details

ವರ್ಗ Category	Government	ಜಿಲ್ಲೆ District	Select
ಇಲಾಖೆ Department	Type Department Name	ಡಿಡಿಓ ಕಛೇರಿ DDO Office	Select
ಡಿಡಿಓ ಕೋಡ್ DDO Code	<input type="text"/>		

Step 5 : Select Bengaluru Urban district from the list of drop down menu

ಇಲಾಖೆಯ ವಿವರಗಳು | Department Details

ವರ್ಗ Category	Government	ಜಿಲ್ಲೆ District	BENGALURU URBAN
ಇಲಾಖೆ Department	Type Department Name	ಡಿಡಿಓ ಕಛೇರಿ DDO Office	Select
ಡಿಡಿಓ ಕೋಡ್ DDO Code	<input type="text"/>		

Step 6 : Select Department as High Court Of Karnataka

ಇಲಾಖೆಯ ವಿವರಗಳು/Department Details

ವರ್ಗ Category	Government	ಜಿಲ್ಲೆ District	BENGALURU URBAN
ಇಲಾಖೆ Department	HIGH COURT OF KARNATAKA	ಡಿಡಿಓ ಕಛೇರಿ DDO Office	Select
ಡಿಡಿಓ ಕೋಡ್ DDO Code			

Step 7 :Select the DDO Office from the list of drop down menu High Court Of Karnataka, Bangalore& the DDO code will be auto populated

ಇಲಾಖೆಯ ವಿವರಗಳು/Department Details

ವರ್ಗ Category	Government	ಜಿಲ್ಲೆ District	BENGALURU URBAN
ಇಲಾಖೆ Department	HIGH COURT OF KARNATAKA	ಡಿಡಿಓ ಕಛೇರಿ DDO Office	HIGH COURT OF KARNATAKA
ಡಿಡಿಓ ಕೋಡ್ DDO Code	17806D		

Step 8 :Select the required purpose & the Head of Account will be auto populated

ಉದ್ದೇಶದ ವಿವರಗಳು/Purpose Details

ಉದ್ದೇಶ Purpose	Court Fees Realised In Cash	ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ Head of Account	0070*01*501*0*01*000
ಉಪ ಉದ್ದೇಶದ ಹೆಸರು Sub Purpose Name	Select		
ಮೊತ್ತ Amount			

[ಸೇರಿಸು | Add](#)

Step 9 :Select sub purpose from the drop down list & other input (if applicable)

ಉದ್ದೇಶದ ವಿವರಗಳು/Purpose Details

ಉದ್ದೇಶ Purpose	Court Fees Realised In Cash	ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ Head of Account	0070*01*501*0*01*000
ಉಪ ಉದ್ದೇಶದ ಹೆಸರು Sub Purpose Name	Court Fee collected by way of ₹		
ಮೊತ್ತ Amount	0		

Step 10 :Enter the amount that has to be remitted & click add

ಉದ್ದೇಶ Purpose	ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ Head of Account	ಉಪ ಉದ್ದೇಶದ ಹೆಸರು Sub Purpose Name	ಉದ್ದೇಶ ನಿರ್ದಿಷ್ಟ ಐಡಿ Purpose Specific ID	ಮೊತ್ತ Amount	ಕಾರ್ಯಾಚರಣೆ Operation
Court Fees Realised In Cash	0070*01*501*0*01*000	Court Fee collected by way of cash less than Rs. 500/-	NA	400	ಮಾಪನಿಸು(Edit)/ ತೆಗೆದುಹಾಕು>Delete)

Step 11: Select either NEFT/RTGS mode of payment or Net Banking & click Submit

ಖಜಾನೆ ವಿವರಗಳು/Treasury Details

ಒಟ್ಟು ಮೊತ್ತ
Total Amount

ಪಾವತಿ ವಿಧ
Mode of Payment

ಖಜಾನೆ
Treasury

ಇನ್ಸ್ಟ್ರುಮೆಂಟ್ ವಿವರಗಳು/Instrument Details

ಏಜೆನ್ಸಿ ಬ್ಯಾಂಕ್ ಹೆಸರು
Agency Bank Name

ಶಾಖೆ ಹೆಸರು
Branch Name

ಐ.ಎಫ್.ಎಸ್.ಸಿ ಕೋಡ್
IFSC Code

Step 12 :Verify details & enter Captcha. Click Confirm

ಚಲನ್ ಚಾಲ್ತಿ ಅವಧಿ Challan Validity	ಜಿಲ್ಲೆ District	ಇಲಾಖೆ Department	ಡಿ.ಡಿ. ಕಛೇರಿ DDO Office	
7 Days	BENGALURU URBAN	FINANCE SECRETARIAT	ACCOUNTANT GENERAL REMITTANCES OFFICE, BENGALURU	
ವರ್ಗ Category	ದಿನಾಂಕ Date	ಚಲನ್ ಸಂಖ್ಯೆ Challan Reference Number	ಡಿ.ಡಿ. ಕೋಡ್ DDO Code	
Government	20/08/2019		888150	
ಸಂದಾಯದಾರರ ಹೆಸರು Remitter Name	test test			
ವಿಳಾಸ Address	test			
ಲಕ್ಷ್ಯ Purpose	ಲೆಕ್ಕ ಶೀರ್ಷಿಕೆ Head of Account	ಅಂಶ ಲಕ್ಷ್ಯದ ಹೆಸರು Sub Purpose Name	ಲಕ್ಷ್ಯ ನಿರ್ದಿಷ್ಟ ಲಾಭಿ Purpose Specific ID	ಮೊತ್ತ Amount
General Provident Fund Of Karnataka	8009-01-101-0-01-000	GPF - Premium	GPF Account Number (Example : EDN_413030)- EDN413030	1000
ಸಂದಾಯ ಮಾಡುವ ಬ್ಯಾಂಕ್ Remittance Bank	ಒಟ್ಟು ಮೊತ್ತ Grand Total	ಒಟ್ಟು ಮೊತ್ತ ಅಕ್ಷರಗಳಲ್ಲಿ Total Amount in Words		ಮೊತ್ತ Amount
NA	1000	One Thousand Only		1000
ಪಾವತಿ ವಿವರಗಳು/Payment Details				
ಪಾವತಿ ವಿಧ Payment Mode	NEFT/RTGS			
ಏಜೆನ್ಸಿ ಬ್ಯಾಂಕ್ ಹೆಸರು Agency Bank Name	ಶಾಖೆ ಹೆಸರು Branch Name	ಐ.ಎಫ್.ಎಸ್.ಸಿ ಕೋಡ್ IFSC Code		
Reserve Bank Of India	Bangalore Regional Office	RBISOGOKAER		

Enter CAPTCHA Code

Step 13 :Challan Reference Number is Generated. For NEFT, Select bank, branch & enter remitter Account number.

ಸಂದಾಯದಾರ ವಿವರಗಳು \ Remitter Details

ಸಂದಾಯದಾರ ಹೆಸರು
Remitter's Name

ಸಂದಾಯದಾರ ವಿಳಾಸ
Remitter's Address

ಸಂದಾಯದಾರ ಬ್ಯಾಂಕ್ ಹೆಸರು
Remitter's Bank Name

ಸಂದಾಯದಾರ ಶಾಖೆ ಹೆಸರು
Remitter's Branch Name

ಸಂದಾಯದಾರ ಐ.ಎಫ್.ಎಸ್.ಸಿ ಕೋಡ್
Remitter's IFSC Code

ಸಂದಾಯದಾರ ಪಾವತಿ ಸಂಖ್ಯೆ
Remitter's Account No

ಮೊತ್ತದ ವಿವರಗಳು \ Amount Details

ಮೊತ್ತ
Amount

ಕಮಿಷನ್ ಮೊತ್ತ
Commission Amount

ಒಟ್ಟು ಮೊತ್ತ
Total Amount

ಪರಿಮಾಣ
Remarks

Click Print to generate NEFT/RTGS mandate.

It is encouraged that user make NEFT/RTGS mode of payment



Department of Treasuries
KHAJANE-II

Application Form for NEFT/RTGS Remittances

Bank and Branch Name:	STATE BANK OF INDIA, K R PURAM BANGALORE
Challan Creation Date:	20/08/2019
Remitter Details:	
Name of Applicant:	test
Remitter Account No.:	123456
Remitter Address:	test
Contact Number:	
E-mail ID:	
Beneficiary Details:	
Beneficiary Name:	Government Of Karnataka
Beneficiary Bank Name:	Reserve Bank Of India
Beneficiary Branch:	Bangalore Regional Office
Beneficiary Account No.:	CR0819800900412890
Beneficiary Bank's IFSC Code:	RBIS0GOKAER
Amount(In figures)(A):	Rs 1000/- Only
Amount(In words)(A):	One Thousand Only
Bank's Charges(B): <i>(Transaction charges and taxes applicable at bank level.)</i>	
Total(A+B):	
DDO Details:	
DDO Office:	ACCOUNTANT GENERAL REMITTANCES OFFICE, BENGALURU
DDO Code:	888150
Payment Details:	
Enclosed is Cheque No. _____ drawn on my/our account for Rs 1000 favouring Reserve Bank Of India towards the above NEFT/RTGS transactions.	
OR	
Kindly debit my account number YES/NO. I/WE have read the conditions and agreed to be bound by them.	
Challan Creation Date:	20/08/2019
Challan Expiry Date :	27/08/2019
Signature of Applicant	
<p>(i) NEFT/RTGS Mandate should be presented to Bank within Challan expiry date. (ii) Transaction Charges and taxes applicable at bank level. (iii) No change is allowed in the NEFT/RTGS details by the customer or the originating bank. The transaction is liable to be rejected in case of any change in the NEFT/RTGS details (iv) This NEFT/RTGS transaction should reach the destination bank before expiry of challan period. In case of delay, the NEFT/RTGS transaction would be returned to the originating account. It would be the responsibility</p>	



Department of Treasuries
KHAJANE-II

Application Form for NEFT/RTGS Remittances

Customer Acknowledgement

Bank and Branch Name:	STATE BANK OF INDIA,K R PURAM BANGALORE
Challan Creation Date:	20/08/2019
Remitter Details:	
Name of Applicant:	test
Remitter Account Number:	123456
Contact Number:	
Beneficiary Details:	
Beneficiary Name:	Government Of Karnataka
Beneficiary Account No. :	CR0819800900412890
Beneficiary Bank's IFSC Code:	RBIS0GOKAER
Amount (in figures)(A):	Rs 1000/- Only
Amount(In words)(A):	Rs One Thousand Only
Applicable Charges:(B)	
Total(A+B):	
DDO Details:	
DDO Office:	ACCOUNTANT GENERAL REMITTANCES OFFICE, BENGALURU
DDO Code:	888150
Challan Creation Date :	20/08/2019
Challan Expiry Date :	27/08/2019
UTR Number:	

Signature of Remitter:

Bank Officials Signature/Seal:

HOA Details Of challan: **CR0819800900412890**

Challan Purpose	Head Of Account	Sub Purpose Name	Purpose Specific ID	Amount
General Provident Fund Of Karnataka	8009*01*101*0*01*000	GPF - Premium	GPF Account Number (Example : EDN 413030)	1000
			Total Amount:	1000

2/2

Step 13 :Challan Reference Number is Generated. Based on mode of payment selected following options will be displayed.

- For NEFT/RTGS – Select bank, branch & enter remitter Account number. Click Print upon which Mandate page is obtained.
- For Net Banking - Select the bank & click make payment. You will be redirected to bank net banking page. Upon completion of transaction, it will be automatically redirected to Khajane 2.

Step 14 :Post making payment, user can check the status of the challan using **search challan** feature.

It is encouraged that user make NEFT/RTGS mode of payment to be selected at Step 11 above. The process of NEFT/RTGS is explained in detail.

KNPJ**Crl.P.No.2039/2020**

15-05-2020

ORDER ON MEMO DATED 09.05.2020

The learned counsel for the petitioner has filed a memo for relaxation or modification of condition No.1 imposed by this Court while disposing of this bail petition. He further submits that, he has also filed I.A. 1/2020 in support of the memo for the same purpose. It is argued that, the concerned Criminal Courts are not accepting the affidavits and documents, and surety bonds duly signed by the parties sent through e-filing to the concerned Courts. Therefore he has sought for relaxation or modification of condition No.1, or for any such direction necessary to the concerned Criminal Courts.

Condition No.1 imposed by this Court is as follows -

(1) The petitioner shall execute his personal bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties for the like sum to the satisfaction of the jurisdiction Court.

2. Of course, the above condition cannot be relaxed altogether or modified. However suitable directions can be very well be issued to the concerned Courts. It is trite that, the Criminal Courts have to examine the veracity of the surety furnished by the accused before accepting the same. But in view of COVID-19 the situation prevailing in the Country and the State as on the date, the physical participation of litigant public is prohibited by various advisories issued by this Court on the administrative side.

3. Under the above said circumstances, all the transactions have been done by e-filing and through video conferencing method. Hence it

is clarified that the Court should not insist personal presence of accused or his surety for the purpose of executing any bond or affidavit. The trial Courts are hereby directed to accept the affidavits, photograph, and necessary documents regarding their identification and property of the surety and bonds in Form No.28 of Cr.P.C submitted by the respective Counsel with the signature of the Counsel filed through e-filing to the court or in any other electronic media. However the acceptance of those papers by the court is subject to verification after the lockdown is completely lifted and the Courts start regularly working. If the Court finds any deficiency in the papers and irregularity, the same can be rectified later. Even if the Court feels it just and necessary the Court can insist for fresh surety later.

4. Advocates are also hereby directed to furnish surety affidavit, photograph of surety, necessary documents for identification of surety, and documents pertaining to the property of surety, along with surety bond in Form No.28 of Cr.P.C, duly signed by the surety and identified by the counsel by the counsel and scanned, through e-filing, or e-mail to the concerned Court so as to enable the concerned Courts to pass appropriate orders.

5. The Registrar General is hereby directed to forth with communicate this order to concerned Court and also to all the criminal courts in the State to follow the direction issued as noted supra till the lockdown is lifted or the regular working of the Courts. This direction may also be incorporated in the Advisory issued by the High Courts.

JUDGE

CJ& SVSJ:
10.07.2020

W.P.No.7338/2020

ORDER

We are now dealing with the three different issues. The first issue is whether the physical presence of the parties to a suit or proceedings in the civil Court is mandatory, when the Court records compromise in accordance with the Rule 3 of Order XXIII of the Code of Civil Procedure, 1908 (for short 'the said Code').

2. We have heard the learned Senior Counsel Shri. Uday Holla appointed as *Amicus Curiae*, the learned Additional Solicitor General of India and the learned Additional Advocate General of the State on the above issue.

3. The learned Senior Counsel Shri. Uday Holla has filed written submissions. The issue which we are now considering arises in view of the provisions of the Standard Operating Procedure (for short 'SOP') applicable to the District and Trial Courts in the State under which, the litigants are not permitted to enter the Court premises. It is a part of various measures taken to avoid spread of Novel Corona Virus (COVID 19). Whether, as a practice or by way of abundant precaution, many of the

Courts in the State have been insisting on personal presence of the parties to the proceedings, when the Courts consider a compromise in writing in accordance with the provisions of Rule 3 of Order XXIII of the said Code. The question is whether the presence of the parties is mandatory. For answering the said issue, it is necessary for this Court to look into various provisions of the said Code.

4. Firstly, we must refer to Rule 3 of Order XXIII of the said Code which reads thus:

“3. Compromise of suit.—Where it is proved to the satisfaction of the Court that a suit has been adjusted wholly or in part by **any lawful agreement or compromise, in writing and signed by the parties** or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject-matter of the suit, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith so far as it relates to the parties to the suit, whether or not the subject-matter of the agreement, compromise or satisfaction is the same as the subject-matter of the suit:

Provided that where it is alleged by one party and denied by the other that an adjustment or satisfaction has been arrived at, the Court shall decide the question; but no adjournment shall be granted for the purpose of deciding the question, unless the Court, for reasons to be recorded, thinks fit to grant such adjournment.

Explanation. —An agreement or compromise which is void or voidable under the Indian Contract Act, 1872 (9 of 1872), shall not be deemed to be lawful within the meaning of this rule.”

(emphasis added)

5. By the Act No. 104 of 1976, the requirement of having a compromise in writing and signed by the parties has been introduced. On plain reading of Rule 3 of Order XXIII, it is clear that it is not mandatory for the parties to remain personally present in the Court when the Court considers an agreement in writing or a compromise in writing signed by the parties in accordance with the provisions of Rule 3 of Order XXIII. However, the Court has to be satisfied that the agreement or the compromise in writing filed by the parties is lawful. For that

purpose, the Court must satisfy itself that the agreement or compromise in writing has been signed by the parties to the suit.

6. In many cases, an issue arose whether the requirement introduced by the Act No. 104 of 1976 of the parties signing the compromise or agreement can be said to be substantially complied with if the Advocates who had duly filed vakalath on behalf of the parties concerned sign the documents of compromise for and on behalf of their clients. The aforesaid issue will have to be addressed in the light of the provision of Rule 1 of Order III of the said Code which reads thus:

“ORDER III

RECOGNIZED AGENTS AND PLEADERS

1. **Appearances, etc., may be in person, by recognised agent or by pleader.— Any appearance, application or act in or to any Court, required or authorised by law to be made or done by a party in such Court, may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognised agent, or by a**

**pleader appearing, applying or acting,
as the case may be, on his behalf:**

Provided that any such appearance shall, if the Court so directs, be made by the party in person.”

7. The act of signing a compromise petition or an agreement is also an act within the meaning of Rule 1 of Order III. A pleader appointed by the parties can apply or act on behalf of those parties. The question is whether the requirement of a compromise being signed by the parties can be said to be complied with when it is signed by the Advocates representing the parties to the suit.

8. The learned Senior Counsel Sri. Uday Holla relied upon the various decisions in this behalf. The first decision is in the case of ***Byram Pestonji Gariwala –vs- Union Bank of India and others***¹. The appeal before the Apex Court arose out of a decision of the Bombay High Court in execution application on its original side. As can be seen from paragraph 2 of the said decision, the issue before the Apex Court was whether a decree made against the defendant in terms of a compromise in writing

¹(1992) 1 SCC 31

and signed by counsel representing the parties, but not signed by the parties themselves, was valid and binding on all the parties. The Apex Court thereafter proceeded to consider the provisions of Rule 3 of Order XXIII. The Apex Court also considered the issue relating to implied authority of an Advocate to sign compromise on behalf of his client. The Apex Court discussed several decisions on the point and ultimately, in paragraph 30 held thus:

“30. There is no reason to assume that the legislature intended to curtail the implied authority of counsel, engaged in the thick of proceedings in court, to compromise or agree on matters relating to the parties, even if such matters exceed the subject matter of the suit.

The relationship of counsel and his party or the recognised agent and his principal is a matter of contract; and with the freedom of contract generally, the legislature does not interfere except when warranted by public policy, and the legislative intent is expressly made manifest. There is no such declaration of policy or indication of intent in the present case. The legislature has not evinced any intention to change the well recognised and universally acclaimed common law tradition of an ever alert, independent and active bar with freedom

to manoeuvre with force and drive for quick action in a battle of wits typical of the adversarial system of oral hearing which is in sharp contrast to the inquisitorial traditions of the 'civil law' of France and other European and Latin American countries where written submissions have the pride of place and oral arguments are considered relatively insignificant. (See Rene David, *English Law and French Law* — Tagore Law Lectures, 1980). 'The civil law' is indeed equally efficacious and even older, but it is the product of a different tradition, culture and language; and there is no indication, whatever, that Parliament was addressing itself to the task of assimilating or incorporating the rules and practices of that system into our own system of judicial administration".

(emphasis added)

In paragraph 35, the Apex Court further held thus:

“35. So long as the system of judicial administration in India continues unaltered, and so long as Parliament has not evinced an intention to change its basic character, there is no reason to assume that Parliament has, though not expressly, but impliedly reduced counsel's role or capacity to represent his client as effectively as in the past. On a matter of such

vital importance, it is most unlikely that Parliament would have resorted to implied legislative alteration of counsel's capacity or status or effectiveness. In this respect, the words of Lord Atkin in *Sourendra* [57 IA 133 : AIR 1930 PC 158 : 32 Bom LR 645] comparing the Indian advocate with the advocate in England, Scotland and Ireland, are significant: (AIR p. 161)

“There are no local conditions which make it less desirable for the client to have the full benefit of an advocate's experience and judgment. One reason, indeed, for refusing to imply such a power would be a lack of confidence in the integrity or judgment of the Indian advocate. No such considerations have been or indeed could be advanced, and their Lordships mention them but to dismiss them.”

(emphasis added)

Even in paragraphs 38 and 39 of the decision are relevant which read thus:

“**38.** Considering the traditionally recognised role of counsel in the common law system, and the evil sought to be remedied by Parliament by the C.P.C. (Amendment) Act, 1976, namely, attainment of certainty and expeditious disposal of cases by reducing the terms of compromise to writing signed by the parties, and

allowing the compromise decree to comprehend even matters falling outside the subject matter of the suit, but relating to the parties, **the legislature cannot, in the absence of express words to such effect, be presumed to have disallowed the parties to enter into a compromise by counsel in their cause or by their duly authorised agents. Any such presumption would be inconsistent with the legislative object of attaining quick reduction of arrears in court by elimination of uncertainties and enlargement of the scope of compromise.**

39. To insist upon the party himself personally signing the agreement or compromise would often cause undue delay, loss and inconvenience, especially in the case of non-resident persons. It has always been universally understood that a party can always act by his duly authorised representative. If a power-of-attorney holder can enter into an agreement or compromise on behalf of his principal, so can counsel, possessed of the requisite authorisation by vakalatnama, act on behalf of his client. Not to recognise such capacity is not only to cause much inconvenience and loss to the parties personally, but also to delay the progress of proceedings in court. If the legislature had intended to make such a fundamental change, even at the risk of delay, inconvenience and needless expenditure, it would have expressly so stated”.

(emphasis added)

9. The second decision on the same point is in the case of ***Pushpa Devi Bhagat (dead) through LR Sadhana Rai –vs- Rajinder Singh and others***². In paragraph 23 of the said decision, the Apex Court discussed the meaning of the words “signed by the parties”. The Apex Court relied upon its earlier decisions in the case of ***Byram Pestonji Gariwala*** (supra) as well as ***Jineshwardas –vs- Jagrani***³. The conclusion drawn by the Apex Court is that the words ‘by parties’ refer not only to parties-in-person, but also duly authorized pleaders. Thus, the Apex Court held that if Advocates appointed by the parties have been authorized by the parties to sign the compromise, the compromise memo/petition signed by the Advocates becomes a compromise “signed by the parties”.

10. In the case of ***Y. Sleebachen and others –vs- State of Tamil Nadu***⁴, the Apex Courts specifically dealt with the issue of the power of an Advocate to enter into compromise. After considering its earlier decisions, in paragraph 20, the Apex Court held thus:

²(2006) 5 SCC 566

³(2003) 11 SCC 372

⁴(2015) 5 SCC 747

“**20.** We find that in the present case the Government Pleader was legally entitled to enter into a compromise with the appellant and his written endorsement on the memo filed by the appellant can be deemed as a valid consent of the respondent itself. **Hence the counsel appearing for a party is fully competent to put his signature to the terms of any compromise upon which a decree can be passed in proper compliance with the provisions of Order 23 Rule 3 and such decree is perfectly valid.** The authority of a counsel to act on behalf of a party is expressly given in Order 3 Rule 1 of the Civil Procedure Code which is extracted hereunder.....”

(emphasis added)

Hence, the Apex Court has reiterated that an Advocate appearing for a party is fully competent to put his signature on the terms of any compromise on behalf of his client.

11. In the case of *Deputy General Manager –vs- Kamappa*⁵, a division Bench of this Court had dealt with the issue of validity of compromise on the ground that the compromise petition was not signed by the appellant. In paragraph 5, the Division Bench referred to the form of Vakalath which specifically authorized the Advocate to enter into compromise and therefore, held that there

⁵ILR 1993 KAR 584

was nothing wrong with the compromise memo or petition signed by the Advocates and that the same are lawful.

12. The conclusion which can be drawn from the aforesaid discussion is that the Advocates representing the parties have authority to sign the compromise petition on behalf of their clients and when the compromise petition is signed by the Advocates representing a parties to the suit, it complies with the statutory requirement in the provision of Rule 3 of Order XXIII of the said Code which requires a compromise petition to be signed by the parties. Thus, a compromise petition signed by Advocates on behalf of their respective clients will have to be treated as a compromise petition signed by the parties. That is very clear from sub-rule 1 of Order III. Any appearance, application or act in or to any Court required to be made or done by a party can be made done by a pleader representing the said party. Under Rule 4 of Order III, it is provided that a pleader can act for any person in any Court, if he has been appointed for the purpose by such person by a document in writing signed by such person or his recognized agent or by his power of attorney holder. This appointment in writing is known as vakalath or vakalathnama. The authority and appointment of the Advocate

continues to be in force until determined with the leave of the Court by a writing signed by the client or the Advocate, as the case may be, or until the client or Advocate dies. Unlike some other States, in the State of Karnataka, there are no rules framed under Section 34(1) of the Advocates Act, 1961 prescribing a form of vakalath. If the vakalath contains a clause authorizing the Advocate to sign compromise, the Advocate has authority to sign a compromise on behalf of his client. If vakalath does not contain such express authority, the client can always give such authority in writing to his Advocate.

13. Thus, the law as it stands today is that an Advocate who is duly authorized by his client to enter into a compromise by signing the compromise petition or consent terms can sign the same for and on behalf of his client and it will be a perfectly valid compromise in accordance with the Rule 3 of Order XXIII of the said Code provided it is otherwise lawful. The authority can be in the form of a specific clause in vakalath or a specific authority in writing, signed by the client. A compromise petition and/or consent terms duly signed by the Advocates representing the parties to the suit are valid in terms of Rule 3 of Order XXIII and it can be termed as a compromise signed by the parties.

Therefore, it follows that when a compromise petition is signed by the parties to the suit who are represented by the Advocates, the personal presence of the parties for enabling the Court to pass an order disposing of the suit in terms of compromise is not mandatory if they are represented by the Advocates before the Court. If the Advocate has authority to sign the compromise on behalf of his client, surely he has authority to present the compromise signed by his client to the court and represent him when the Court passes an order in terms of the compromise. However, on plain reading of Rule 3 of Order XXIII, the Court must be satisfied that there is a lawful agreement or compromise between the parties and that the compromise is signed either by the parties or by their recognized agents or by power of attorney holders or by the Advocates who are duly authorized to enter into compromise.

14. It is pointed out across the Bar that there are several instances where, the compromise filed in civil suits or in appeals is challenged by the parties on the ground that a fraud has been played or that their signatures were obtained on the compromise petition without explaining the contents thereof. We are discussing the question whether, in law, personal presence of

the parties to the suit is mandatory when the consent terms/compromise petition signed by them and/or their respective Advocates is tendered by the Advocates before the Court to enable the Court to make enquiry and dispose of the suit in terms of the compromise. The answer to this legal question is clearly in the negative, in view of the law which is fairly well settled. The settled legal position cannot undergo a change merely because, there is a possibility of unscrupulous litigants abusing the same.

15. In a case where the compromise petition is signed by a party or by his Advocate and if the party concerned is not present before the Court, if a Court entertains a doubt about the genuineness of the settlement, the Court can always exercise its power under the proviso to Rule 1 of Order III and direct the parties to appear before the Court in person even through video conferencing. But the Court cannot insist on the personal appearance of the parties in every case.

16. In some of the cases, even though the parties physically appear before the Court and accept and acknowledge the compromise, the parties back out and make frivolous allegations

of fraud. However, that will not change the legal position and it does not make it mandatory for the parties to remain present in the Court at the time of presenting the compromise petition. However, with a view to avoid any allegations being made by the parties against their Advocates, it may be advisable for the Advocates to get the affidavits of the parties in support of compromise petition recording that the party has understood the contents of the compromise petition and that the party has voluntarily affixed/put his/or signature on the compromise petition. If an Advocate signs the compromise petition on behalf of his client, though he may be duly authorized under vakalath to enter into compromise, it is advisable that a special authority in writing is taken from the client to sign the compromise petition and placed on record along with the compromise.

17. There is no legal impediment in the way of Courts acting upon the compromise petition duly signed by the parties which is presented by their respective Advocates, though the parties are not personally present. The Court may call upon the Advocates presenting the compromise petition to identify and attest the signatures of their respective clients on the compromise petition. Apart from that, the Court may also call upon the Advocates to

file affidavits in support of the compromise petition duly affirmed by the parties to the suit. If the Court is satisfied that the compromise is signed by the parties or their Advocates duly authorized to sign and that the compromise is lawful, the Court has a power to pass a decree in terms of the compromise in the suit without insisting on the personal presence of the parties to the suit. As observed earlier, in a case where the Court entertains any serious doubt, it can always call upon the parties to remain present before the Court. The personal presence of the parties can be secured even through video conferencing. When the presence of the parties is procured by video conferencing, their Advocates who are present before the Court can identify the parties appearing through the video conferencing.

18. Subject to what is observed above, it is made clear that it is perfectly lawful for the Courts to record the compromise on the basis of the compromise petitions duly signed by the parties and tendered by their respective Advocates before the Court, even without procuring the personal presence of the parties.

19. The second issue is about conduct of the proceedings of the petitions filed under Section 13B of the Hindu Marriage Act, 1955 (for short, 'the said Act of 1955') and Section 28 of the Special Marriage Act, 1954 (for short, 'the said Act of 1954'). As far as the requirement of personal/physical presence of the petitioner for filing of the petition is concerned, the said issue is already resolved by an order of this Court. In the case of ***Sanathini –vs- Vijaya Venkatesh***⁶ a Bench of three Hon'ble Judges of the Apex Court has dealt with the issue of maintaining and safeguarding confidentiality in video conferencing proceedings before the Family Courts established under the Family Courts Act 1984 (for short, 'the said Act of 1984'). The majority decision was rendered by Dipak Misra, C.J (as he then was). The Apex Court, after considering the various stages of the proceedings of the matrimonial disputes in light of the provisions of Section 11 of the said Act of 1984 which requires proceedings to be held *in camera* in event one of the parties desires so, held that the method of video conferencing hearing cannot be adopted when only one party gives his consent to conduct the conciliation proceedings to bring about a settlement

⁶(2018) 1 SCC 1

between the parties by video conferencing. The Apex Court observed that if such proceedings are ordered to be conducted through video conferencing, the command under Section 11 as well as the spirit of the 1984 Act will be in peril and cause of justice would be defeated. However, in paragraph 56 of the said decision, the Apex Court observed thus:

“56. We have already discussed at length with regard to the complexity and the sensitive nature of the controversies. The statement of law made in *Krishna Veni Nagam Krishna Veni Nagam v. Harish Nagam*, (2017) 4 SCC 150 : (2017) 2 SCC (Civ) 394 that if either of the parties gives consent, the case can be transferred, is absolutely unacceptable. However, an exception can be carved out to the same. We may repeat at the cost of repetition that though the principle does not flow from statutory silence, yet as we find from the scheme of the Act, the Family Court has been given ample power to modulate its procedure. The Evidence Act is not strictly applicable. Affidavits of formal witnesses are acceptable. It will be permissible for the other party to cross-examine the deponent. We are absolutely conscious that the enactment gives emphasis on speedy settlement. As has been held in *Bhuvan Mohan Singh Bhuvan*

Mohan Singh v. Meena, (2015) 6 SCC 353 : (2015) 3 SCC (Civ) 321 : (2015) 4 SCC (Cri) 200 , the concept of speedy settlement does not allow room for lingering the proceedings. A genuine endeavour has to be made by the Family Court Judge, but in the name of efforts to bring in a settlement or to arrive at a solution of the lis, the Family Court should not be chained by the tentacles by either parties. Perhaps, one of the parties may be interested in procrastinating the litigation. Therefore, we are disposed to think that once a settlement fails and if both the parties give consent, that a witness can be examined in videoconferencing that can be allowed. That apart, when they give consent that it is necessary in a specific factual matrix having regard to the convenience of the parties, the Family Court may allow the prayer for videoconferencing. That much of discretion, we are inclined to think can be conferred on the Family Court. Such a limited discretion will not run counter to the legislative intention that permeates the 1984 Act. However, we would like to add a safeguard. A joint application should be filed before the Family Court Judge, who shall take a decision. However, we make it clear that in a transfer petition, no direction can be issued for videoconferencing. We reiterate that the discretion has to rest with the Family Court

to be exercised after the court arrives at a definite conclusion that the settlement is not possible and both parties file a joint application or each party filing his/her consent memorandum seeking hearing by videoconferencing”.

20. The Apex Court observed that once the settlement or reconciliation fails, if both the parties give consent by filing a consent memorandum for hearing of the case through video conferencing and for examination of a witness by video conferencing, the Family Court can take recourse to videoconferencing. Under sub-section (2) of Section 13B of the said Act of 1955 and sub-section (2) of Section 28 of the said Act of 1954, a decree of divorce by mutual consent can be passed on the Court being satisfied, after hearing the parties and after making such an enquiry as it thinks fit. For arriving at the decision as contemplated under sub-section (2) of both the sections, the Court must be satisfied that the marriage between the parties has been solemnized, and the averments made in the petition are true and all other ingredients of Section 13B of the said Act of 1955 or Section 28 of the said Act of 1954, as the case may, be are satisfied. For arriving at the decision, if the

Court wants to record the evidence on oath of parties to the consent petition, there is no prohibition on recording the evidence of the parties *via* video conferencing. Even the Court can take the affidavits of the parties in a given case and record its decision on the basis of the same. The Court can act upon the affidavits of the parties or can record oral evidence by video conferencing especially when after statutory period as provided in Section 13B or Section 28, as the case may be, is over and when both the parties are willing to standby the prayers for grant of divorce by mutual consent. As far as the procedure for recording of evidence is concerned, the Family Courts can always follow the provisions of the Rules framed by the High Court for videoconferencing hearing. Even the identity of the parties deposing by video conferencing can be established in the manner laid down in the said Video Conferencing Hearing Rules framed by the High Court.

21. The next issue we are considering is about the acceptance of sureties in compliance with the condition in the orders of the Criminal Courts, enlarging the accused on bail. Our attention is invited to an order made by the learned Single Judge laying down the guidelines for acceptance of surety in the

present times which are affected by the pandemic of COVID-19. As far as the procedure governing the acceptance of surety is concerned, we have heard the learned Senior Counsel Shri. C.V. Nagesh. We have considered the order dated 15th May, 2020 passed by the learned Single Judge in Crl.P.No.2039/2020. The relevant part of the said order is at paragraphs 3 and 4 which read thus:

“3. Under the above said circumstances, all the transactions have been done by e-filing and through video conferencing method. Hence, it is clarified that the Court should not insist personal presence of accused or his surety for the purpose of executing any bond or affidavit. The trial Courts are hereby directed to accept the affidavits, photographs and necessary documents regarding their identification and property of the surety and bonds in Form No.28 of Cr.P.C submitted by the respective Counsel with the signature of the Counsel filed through e-filing to the Court or in any other electronic media. However the acceptance of those papers by the Court is subject to verification after the lockdown is completely lifted and the Courts start regularly working. If the Court finds any deficiency in the papers and irregularity, the same can be rectified later. Even if the Court

feels it just and necessary the Court can insist for fresh surety later.

4. Advocates are also hereby directed to furnish surety affidavit, photograph of surety, necessary documents for identification of surety, and documents pertaining to the property of surety, along with surety bond in Form No.28 of Cr.P.C, duly signed by the surety and identified by the counsel by the by the counsel and scanned, through e-filing, or e-mail to the concerned Court so as to enable the concerned Courts to pass appropriate orders.”

22. The learned Senior Counsel Shri. C.V. Nagesh has invited our attention to various provisions of the Criminal Procedure Code, 1973 (for short, ‘the Cr.P.C’) and the form of Surety Bond (Form No.45) in the second Schedule of the Cr.P.C. He submitted that the presence of the surety is required before the Court for the purposes of verifying his identity and genuineness of the information provided in the surety bond and in the security documents. He submitted that if such bond along with the supporting documents is executed in the form of an affidavit, the said form would gain the legal sanctity of genuineness and any iota of falsity in the said documents would certainly attract the

wrath of the penal statutes. He submitted that if any enquiry is required to be made by procuring the presence of the surety, the same can be done by procuring the presence of the surety via videoconferencing.

23. We have heard the learned Additional Advocate General on the said issue who urged that several safeguards will have to be incorporated in addition to the safeguards provided in the order of the learned Single Judge dated 15th May, 2020, inasmuch as, in many cases it is found that the documents produced by the surety are fake and fabricated and there are instances of impersonation.

24. It is, therefore, necessary to refer to the relevant provisions of Cr.P.C on this aspect. Section 441 and 441-A of the Cr.P.C are the relevant provisions which read thus:

“441. Bond of accused and sureties.—(1)
Before any person is released on bail or released on his own bond, a bond for such sum of money as the police officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person

shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police officer or Court, as the case may be.

(2) Where any condition is imposed for the release of any person on bail, the bond shall also contain that condition.

(3) If the case so requires, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

(4) For the purpose of determining whether the sureties are fit or sufficient, the Court may accept affidavits in proof of the facts contained therein relating to the sufficiency or fitness of the sureties, or, if it considers necessary, may either hold an inquiry itself or cause an inquiry to be made by a Magistrate subordinate to the Court, as to such sufficiency or fitness.

441-A. Declaration by sureties. —Every person standing surety to an accused person for his release on bail, shall make a declaration before the Court as to the number of persons to whom he

has stood surety including the accused, giving therein all the relevant particulars.”

25. There are orders passed by the Criminal Courts granting bail subject to condition accused executing his personal bond for a specified sum with one or two sureties for the like sum to the satisfaction of the jurisdictional Court. The bail bond to be executed by the accused and by the surety is in terms of Form No.45 of Schedule-II of Cr.P.C. Section 446 of Cr.P.C provides for forfeiture of bond. As directed by the learned Single Judge, before the jurisdictional Court, the Advocate representing the accused can produce the bail bond signed by the surety in prescribed form along with an affidavit of the surety. Along with the bond and affidavit, true copies of the authentic documents of identity such as PAN, Aadhar etc., and documents of address proof as well as the documents showing the property details held by him shall also be produced. The documents shall be self-attested by the surety and his signature shall be identified by the Advocate for the accused. The Advocate will have identify the signature of the surety by signing below the signature of the surety and the concerned Advocate shall mention his registration/enrolment number issued by the Karnataka Bar

Council below his signature. A recent photograph of the surety shall be affixed on the affidavit and the bond. The affidavit shall bear the signature of the Advocate for the accused recording that he identifies the surety. In a given case, the jurisdictional Court can call upon the Advocate to produce the original documents of which the self-attested copies are furnished for the purposes of verification. The jurisdictional Magistrate may himself verify the documents or get the documents verified by the Court officials. The affidavit of the surety must contain a statement on oath regarding the description of the property possessed by him, its value etc. A statement recording the correctness of the documents produced along with the affidavit must be incorporated in the affidavit. There shall be a statement in the affidavit to the effect that the person executing the affidavit has signed the surety bond.

26. After the aforesaid formalities are completed, the jurisdictional Court may make an enquiry as contemplated by sub-section (4) of Section 441 and will decide whether the surety is fit and/or sufficient. For holding enquiry as contemplated in sub-section (4) of Section 441 of Cr.P.C, personal/physical presence of the surety is not mandatory.

However, if the Court entertains any serious doubt about the identity of the surety or the genuineness of the documents produced along with the bond and affidavit, the Court can procure the attendance of the surety by video conferencing. The identity of the surety can be verified as laid down in the Video Conference Hearing Rules framed by this Court. It is only after satisfaction is recorded after holding an enquiry as contemplated by sub-section (4) of Section 441 that the person in whose favour bail is granted can be released in accordance with Section 442 of Cr.P.C. The accused can be released on bail only after the Court holds an enquiry under sub-section (4) of Section 441 of Cr.P.C and accepts the surety. Before passing an order after holding enquiry under sub-section (4) of Section 441, the Court must ensure that a declaration on oath in accordance with Section 441-A is furnished by the surety. We must note here that, as far as possible, no Court shall direct the personal/physical presence of the surety before it. As repeatedly held by us, it is the duty and responsibility of every Court and all the stakeholders to ensure that the functioning of Court does not become source of spread of Novel Corona Virus (COVID-19).

Thus, during the present period of pandemic of COVID-19, when there is an embargo on entry of litigants and the other persons other than the Advocates to the Court complexes, the procedure, as indicated above can be followed for the acceptance of sureties.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

Vr

Advisory for High court, District courts and Trial courts in the context of COVID-19 in Karnataka

16/05/2020;Version -2

Background:

In view of COVID-19 pandemic, Government of Karnataka is taking all necessary preventive and control measures to contain the pandemic. It is essential to ensure infection prevention and control measures in court premises. These measures shall be adopted by Judicial Officers, staff of High Court, District courts and trial courts to protect themselves from being infected by Covid-19 during their judicial work.

1.1 At the Entrance:

- Designated person will undertake thermal screening (for fever) of all staff, advocates, police personnel, witnesses, those under trial and visitors by holding the thermal scanner from 3 to 15 cm away from the person's forehead. If temperature is $\geq 37.5^{\circ}\text{C}$ ($\geq 99.5^{\circ}\text{F}$) such persons shall not be allowed and referred to fever clinic or dial Apathamitra helpline 14410 for advice.
- All those entering the premises shall be screened at separate entry points (Staff/advocates and visitors shall be screened separately)
- The names and cell phone numbers of the persons entering the Court premises shall be recorded. No one shall be allowed to enter the Court premises without wearing a face mask.
- Physical distance of more than 1 metre shall be maintained at all times and avoid hand shaking. There shall not be overcrowding at the entry.
- Alcohol based handrub/sanitiser shall be made available at all points.
- The staff/visitors shall maintain cough etiquette; they are advised to cover their mouth and nose with a disposable tissue paper/handkerchief when they sneeze/cough. The used tissue papers shall be disposed in closed dustbins. If they don't have tissue paper/handkerchief they should cover the mouth and nose by elbow.

1.2 Within the court premises:

For Court staff:

- Avoid close contact with anyone and maintain at least 1 metre distance.
- Frequently wash your hands with soap and water or use alcohol based hand rub/sanitizer (Annexure 1).
- Avoid touching eyes, nose and mouth frequently.
- Avoid handshake. Maintain hand hygiene while handling files.
- Do not arrange meetings including sitting in groups at any place; virtual meetings are encouraged.
- Seating arrangements has to be done in such a way that a distance of at least 2 metre is maintained.
- Download Aarogya Sethu App and do self-assessment daily.
- If any staff develops symptoms like fever, cold , cough, throat pain and difficulty in breathing , he/she shall not be permitted to work and refer them to fever clinic or dial Apathamitra helpline 14410.

1.3 For visitors in the court hall:

- Physical distance of more than 1 metre shall be maintained at all times and avoid hand shaking
- Always use face masks at all times
- Alcohol based hand rub/sanitizer shall be frequently used.
- Visitors shall maintain cough etiquette, they are advised to cover their mouth and nose with a disposable tissue paper/hand kerchief when they sneeze/cough, used tissue papers must be disposed in closed dustbins, if they don't have tissue paper/hand kerchief they should cover mouth and nose by elbow.
- If any visitor has symptoms of COVID 19, they shall be referred immediately to fever clinic or dial Apathamitra helpline 14410.

1.4 Cleaning of Court premises:

Areas	Frequency	Method of cleaning and disinfection
Common areas- waiting, verandah, reception, office rooms, court hall, staff room, judges room and Floors	Once daily	With common detergent and water or 1% sodium hypochlorite (See Annexure-2 for preparation) Clean the mop with water and 1% sodium hypochlorite and sundry.
Lifts, stairways, door handles, & knobs, table tops, Telephone, window shields switches etc.	Once daily	Wiping clothes dipped in 7% Lysol or any 70% alcohol based disinfectant
Canteens and cafeteria	Once daily	With common detergent and water or 1% sodium hypochlorite (See Annexure-2 for preparation) Clean the mop with water and 1% sodium hypochlorite and sun dry
Toilets	Minimum twice daily	1% sodium hypochlorite Not to use the toilet for half an hour
Curtains and table clothes	Once a week	Wash with hot water (70°C or more) and laundry detergents

1.5 Canteens and cafeteria

- All Staff should be screened daily for symptoms like fever, cough, cold and throat pain. Those having such symptoms shall not be permitted to attend work and seek medical advice or dial Apathmitra helpline 14410.
- Ensure physical distancing of more than 1 metre. Seating arrangements has to be done in such a way that physical distancing is maintained.
- Cough etiquette: every individual has to observe personal hygiene while coughing, sneezing, etc. Nose and mouth shall be closed by elbow while coughing and sneezing. If Hand cloth is used it shall be frequently washed. If tissue paper is used, it shall not be thrown indiscriminately and to be disposed off in closed dustbin.
- Frequent hand washing for at least 20 seconds is advised. The proper steps of hand washing are to be noted. (Annexure 1). The hands shall be disinfected with sanitizer regularly if frequent hand washing is not possible. Ensure liquid

soap/dispenser is provided at hand-wash facility. Hand sanitizers shall be placed at entrance, counters, tables and other appropriate places.

- All food-handlers shall wear facemask, hand gloves, head-cap and apron. The facemask shall cover nose and mouth properly. Avoid touching your mask while using it; Replace mask with a new one as soon as it is moist or at least every six hours. Do not re-use single-use masks. To remove the mask, remove it from behind (do not touch the front of the mask); discard immediately in a closed bin; wash hands with soap & water or alcohol-based sanitiser.
- All staff shall take bath after reaching home. The clothes shall be washed separately with detergent and sun dried. Use sanitizer to clean accessories such as watch, belt, mobile phone, glasses and others.
- Toilets and Washrooms must be disinfected based on GOI guidelines.
<https://www.mohfw.gov.in/pdf/Guidelinesondisinfectionofcommonpublicplacesincludingoffices.pdf>
- Keep doors open during working hours to prevent frequent touching and to minimize contact. Common touch points like door handles, racks, billing counters etc. shall be cleaned and sanitized frequently.
- All milk packets, vegetables and grocery packets shall be cleaned immediately with running water and stored appropriately.
- All prepared foods shall be stored in closed containers.
- All utensils, instruments, cutlery, crockery shall be washed thoroughly using warm water with detergent.
- Encourage digital forms of payment.
- Display posters and regular announcements to follow physical distancing, hand hygiene and cough etiquette.
- Ensure that visitors follow queue with physical distancing by marking boxes on the floor and do not crowd near the cash counter/ food counter.
- A suitable person shall be designated to monitor and ensure compliance to the above requirements

2. Actions to be taken if any staff tests positive for COVID-19

2.1 If any staff develops symptoms of covid-19 such as fever, cold, cough, throat pain, difficulty

in breathing, etc. he/she shall be immediately moved to an area away from other individuals.

If possible, find a room or area where they can be isolated behind a closed door, open the

Window for ventilation wherever possible and switch off AC.

- 2.2 The staff who is unwell shall be provided with face mask and he/she shall wear it. While they wait for medical advice, they should avoid any contact with other staff, avoid touching others, surfaces, and objects. In case face mask is not available, advise to cover mouth and nose with a disposable tissue or hand kerchief while coughing/ sneezing and then dispose off the tissue paper in a closed bin. If tissue paper/hand kerchief is not available, they should cover mouth and nose by elbow. If they need to go to restroom, they should use a separate one, if available. In short, he/she shall follow cough etiquette, hand hygiene practices and physical distancing from other co-workers.
- 2.3 If any staff reports of covid-19 symptoms over the phone, then the staff shall contact Apthamitrahelpline by dialing "14410" or directly visit the nearby fever clinic/hospital for medical consultation. Such staff shall not be permitted to report to work.
- 2.4 Once a COVID positive case (patient) is diagnosed, inform and facilitate the district health authorities for carrying out contact listing and tracking as per the guidelines of Government of Karnataka (GOK).
- 2.5 The premises including all surfaces, floors, lifts, railings, stairs desks, vehicles, etc. shall be disinfected using 1% sodium hypochlorite solution. The premises can be re-used from the next day. If the premises continue to report new COVID-19 cases in the subsequent days, District health officer/chief health officer(PH) BBMP shall investigate and recommend further action on case-to-case basis.
- 2.6 Irrespective of the COVID-19 status, all surfaces that the symptomatic staff has come in contact must be cleaned with 1% sodium hypochlorite solution including objects visibly contaminated with body fluids/respiratory secretions, and all potentially contaminated high-contact areas such as telephones, computers, tables, door handles, washrooms, etc.
- 2.7 After the staff is free from symptoms and fully recovers, he/she shall be allowed to resume work.

A suitable person shall be designated as "nodal officer" to monitor and ensure compliance to the above requirements and also liaise with health department for guidance from time to time.

For COVID related queries please contact:

Helpline numbers 9745697456, 080-46848600, 080-66692000,14410

<https://covid19.karnataka.gov.in/>

Download Aarogyasetu and Apthamitra apps from below link

<https://covid19.karnataka.gov.in/new-page/Mobile%20Applications/en>

Kindly watch Jagruti Karnataka YouTube channel for COVID related information.

https://www.youtube.com/channel/UC-jJ_NNwB9m8_OocGo1Zfcg/videos

Annexure -1

Steps in Hand washing- Minimum 20 seconds of hand washing is encouraged



Annexure-2 : Guidelines for Preparation of 1% sodium hypochlorite solution and lysol

Product	Available chlorine	1 percent
Sodium hypochlorite – liquid bleach	3.5%	1 part bleach to 2.5 parts water
Sodium hypochlorite – liquid	5%	1 part bleach to 4 parts water
NaDCC (sodium dichloro-isocyanurate) powder	60%	17 grams to 1 litre water
NaDCC (1.5 g/ tablet) – tablets	60%	11 tablets to 1 litre water
Chloramine – powder	25%	80 g to 1 litre water
Bleaching powder	70%	7g to 1 litre water
Lysol for disinfection Lysol IP (50% Cresol and 50% Liquid soap)	-	2.5% Lysol (1 litre of Lysol in 19 litres of water)

HIGH COURT OF KARNATAKA

MODIFIED ADVISORY TO JUDICIAL OFFICERS, COURT STAFF OF ALL THE COURTS AND THE STAFF IN GOVERNMENT ADVOCATES'/PROSECUTOR'S OFFICE

June 10, 2020

BASIC PROTECTIVE MEASURES AGAINST THE COVID-19 DURING THE COURT HOURS IN COURT PREMISES

A) The Covid-19 is a pandemic and it requires to be contained. There are several measures which can be adopted by Judicial Officers, staff of High Court and District Judiciary to get protected from being infected by Covid-19 during office visit, some of which are mentioned below:

1. Use of masks in the precincts of the Courts is compulsory. Do not move out of the house without wearing a proper mask. The mask should be proper and clean. Official guidelines are available on social media to make proper mask at home. After entering office, wash your hands with liquid soap. Frequently clean your hands by using an alcohol based hand rub product like gel or sanitizer or wash your hands with alkaline soap and water.
2. Avoid close contact with anyone and maintain at least 6 feet distance between yourself and any other persons in the office. (Maintain all the norms of social Social Distancing).
3. Avoid touching eyes, nose and mouth.
4. Practice good respiratory and personal hygiene.
5. Do not shake hands with anyone.
6. Do not participate in gatherings including sitting in groups at any place.
7. Use hand gloves while dealing with office files/case files.
8. It is advisable while in the precincts of the Court, all the staff members must follow Standard Operating Procedure (SOP) dated 4th June, 2020 relating to offices published by the Government of India. Further, it is to be noted that spitting in any place of the Court premises is completely prohibited.

9. While in the premises of the Court, the staff shall not socialise and share or exchange food and other eatables.
10. All the staff members, while consuming food and other eatables, shall strictly follow social distance.
11. It is advisable to download Aarogya Sethu App to ascertain the Corona infected persons around you. Make self assessment every day. You have dry cough, cold, throat irritation or temperature, do not go to workplace and contact a doctor.
12. As far as possible, while moving out of your house, always carry a small hand sanitizer bottle with you all along and frequently use it.

B) Apart from that, you are also requested to adopt certain protective measures while going back home from office or from market after buying grocery/medicines, which are as under:

1. Ring up home before you leave the office or inform the time of reaching home in advance.
2. Someone at home should keep the front door open (so that you don't have to touch the calling bell or door handle) and a bucket of hot water with washing soap powder or bleaching powder added to it in the front door.
3. Keep things (keys with you, sanitizer bottle, and phone) in a box outside the door.
4. Wash your hands in the bucket and wash your feet. Use tissue paper or a clean piece of cloth by putting sanitizer and wipe the items you have placed in the box. The used tissue papers should be disposed of properly. If a clean piece of cloth is used, it should be properly washed as indicted in clause 7.
Then enter the house without touching anything.
5. The bathroom door shall be kept open by and a bucket of hot detergent soap water be kept ready. Soak your clothes used outside in the bucket.
6. Then take a head bath with shampoo and body bath with soap,
7. Wash your clothes/put in washing machine with high temperature settings and dry clothes in direct sunlight.
8. Practice Yoga and Pranayama or do some other good exercise at home.

C) The Government of India has issued Standard Operating Procedures (SOPs) containing various precautions to be taken while visiting

places of worship/shopping malls/restaurants/theatres etc., Copies of the SOPs are enclosed herewith. It is very important for all those who are connected with the judiciary to strictly follow the safety norms and measures incorporated in the SOPs. It is necessary to remember that the failure to follow the said norms and measures may indirectly result in disrupting the functioning of the Courts. Moreover, while travelling by public transport, all possible care should be taken by observing the norms laid down in SOP issued by BMTTC or other public transport undertakings. It is imperative for those who travel by public transport to wash their hands and face by soap before entering the actual place of work and before commencing the work.

Note:

- a) Please remember that you are not only responsible for your own safety, but also for the safety of your family and your colleagues at your workplace. Please note that if you do not take necessary precautions, the others may suffer.
- b) The safeguards suggested above are not exhaustive. In addition to the above safeguards, you may follow other safeguards as well.

BY ORDER OF HON'BLE THE CHIEF JUSTICE,

Sd/-
(Rajendra Badamikar)
Registrar General