

HIGH COURT OF MADHYA PRADESH : JABALPUR**// SOP FOR SUBORDINATE COURTS //**No./ A/113/

Jabalpur dated 15/01/2021

The High Court of M.P. has been pleased to issue directions to start regular physical functioning in the Subordinate Courts including Family Courts in respect of all category of cases w.e.f. 18.01.2021.

- (1) All types of cases will be taken up by the Courts subject to the directions issued by the District & Sessions Judge.
- (2) The District & Sessions Judge will have discretion to regulate the physical functioning in the Court including the nature and categories of cases, number of cases and timings of sitting of Judges depending upon the prevailing circumstances and effect of Covid-19 in the concerned district.
- (3) Depending upon the seriousness of Covid-19 effect, the District & Sessions Judge will have an option to switch to limited virtual hearing through video conferencing/mixed functioning through physical mode and video conferencing or any other convenient mode for the Advocates/litigants.
- (4) The District & Sessions Judges will take immediate steps for installing the plastic curtain between the Judges/Reader, Staff AND Advocates/ litigants in each functional court room.

- (5) The District & Sessions Judge will ensure the publication of daily cause list showing the matter listed before different courts and the court concerned will take up the cases as per serial order in the daily cause list. The cause list will also disclose the cases to be taken up in pre-lunch session and post-lunch session.
- (6) The courts shall usually function as per timings of the courts specified in Rules and Orders, except at places where lockdown/shutdown is imposed or containment zone declared by the competent authority.
- (7) The appearance/attendance of litigants, witnesses or Advocates shall be recorded by the courts in order sheets of the court files, and their signatures would not be taken on order sheet, statements (Except where law requires) to prevent the spread of Corona virus, till further orders.
- (8) Production of the accused before the court may be, unless specifically directed otherwise for any reason, accepted by video conferencing. However, the accused shall be required to be produced before the Magistrate for remand in the first instance. But, subsequent remand may be granted by video conferencing.
- (9) All the Judicial Officers are hereby impressed upon for the use of service of summons through the message by using the facility in the Software CIS NC 3.2 in addition to normal mode of service, which has been provided for in order to facilitate service of summons.

- (10) District & Sessions Judges at District Headquarters and outlying stations shall ensure that all precautionary measures for entry and exit of Judicial Officers, Lawyers, Litigants and staff in the court premises are taken and shall take all required steps for limiting the gathering in court premises and in court rooms.
- (11) Judicial Officers, Advocates, litigants and staff who are quarantined/isolated shall be prohibited for entering in the court premises.
- (12) Persons consuming liquor, pan, gutkha or tobacco, spitting inside the court premises shall be strictly prohibited. If any person found involved in any of the aforesaid acts, shall be liable for prosecution/punishment as per the law/guidelines of the Central/State Government.
- (13) Judicial Officers, Advocates, litigants and staff who appear in the court premises shall wear face mask or face cover, covering nose and mouth (including at the time of argument and tendering evidence). Concerned District Judge and the President of Bar Association shall ensure that nobody will enter/present in the court premises without wearing proper face mask.
- (14) All the gates for entry of Judicial Officers, advocates, staff and litigants may be equipped with requisite thermal scanners. The staff shall ensure proper screening of the entering persons as per the directions issued by the Central/State Government.

- (15) Any person having fever and flu or alike symptoms shall not be allowed to enter in the court premises. If any staff member is having fever/flu symptoms, would immediately inform the concerned Presiding Officer/District Judge.
- (16) If any Advocate is having fever/flu symptoms, would immediately inform the concerned Bar Association with intimation to the District Judge.
- (17) Working of the Subordinate Courts / Family Courts in the State shall remain suspended in areas where curfew / lockdown / containment area has been declared by the competent authority. However, the court shall take up urgent matters and the intimation of the situation be communicated to the High Court.
- (18) Only such litigant(s) and their counsel shall be permitted to enter the court premises where case(s) is/are notified and listed. The District Judge concerned shall post staff as per requirement, at the entry point of the court campus to ensure the restricted entry into the court premises only of the lawyers and litigants whose cases are posted before the court on a particular day.
- (19) Canteen, photocopy shops situated within the court premises shall remain closed to prevent crowding.
- (20) Bar Rooms, Advocates' Chamber, Bar Library shall remain open subject to adherence of all the safety norms. The Bar President shall

observe safety norms and ensure sanitization as well as limited entry through the Bar Room(s) to prevent crowding.

- (21) Proper sanitization of entire premises i.e. Court Rooms, chamber of Presiding Officer, offices, toilets and place of common use must be ensured. Hand wash and sanitizers may be provided at Main Gate, Toilets and court corridors to ensure that no person enters in the Court Room/Court Premises without hand wash/hand sanitizer.
- (22) The District Judges should ensure installation of adequate numbers of wash basins in addition to arrangement of sanitizer so that the visitors/lawyers/staffs can properly sanitize their hands before entering the Court premises/complexes.
- (23) Entry in the court room shall be permitted to those Advocates/litigants whose matter is called out for hearing. Rest of the Advocates shall wait outside the court room or designated area for their turn, maintaining social distancing norms.
- (24) It shall be ensured that social distancing is maintained in the court premises or court rooms by all the Judicial Officers, lawyers, litigants, staff and other stake holders. In no case at a time more than 10 persons (advocate / witness / party / accused) (subject to availability of space) will be allowed in a Court Room. Entry of number of persons in the Court Room will be as per the instructions issued by the concerning District Judge, keeping in view the space available in the Court Room. Cases shall be heard consecutively i.e.

one by one and a break of 2 minutes shall be given for proper sanitization before starting hearing of new case.

- (25) The Chairs/Benches in the Court Hall should be suitably arranged keeping in mind the social distancing norms. The sitting arrangement of staff in the Court and Offices shall also be made compliant to social distancing norms.
- (26) At no circumstances the Court Hall or Court Varanda / common passages / corridors or Court premises shall be crowded. Congregation in any form is to be prevented.
- (27) The display boards shall be functional and the cause list be displayed for convenience and information to all stakeholders.
- (28) Orders/Judgments passed by the Court and next date of cases shall be uploaded on the website of the concerning District at the earliest.
- (29) In order to avoid physical contact, the drop box system to receive applications / petitions etc. in the Court for which filing counter is not provided, be adopted by respective Courts, in such matters the party concern / his advocate shall mention his e-mail ID and mobile number on applications / petitions etc.
- (30) The Advocates shall carry their own case file and once the matter is over, learned Advocate/litigants shall immediately leave the court room.

- (31) As Government advisory has required restricted movements for persons aged 65 years and above, learned Advocates / Senior Advocates aged 65 years and above are requested to exercise due caution / avoid physical appearance in the Courts.
- (32) A Committee of one Senior Judicial Officer, President of Bar Association or the Advocate nominated by the President of Bar and Deputy Administrative Officer, wherever available / one senior court staff, shall be constituted to supervise and monitor the situation on daily basis to ensure the compliance of these directions. The Committee shall report the District Judge.
- (33) No function or any other event shall be permitted inside the Court premises.
- (34) District & Sessions Judges are authorized to make any suitable changes according to the prevailing situation of any court in his jurisdiction for smooth functioning of courts and also for management for preventing the spread of Corona Virus in the matter of entry and sitting of the advocates, litigants etc. in court premises, under intimation to the High Court.
- (35) All the guidelines issued by the Central and State Government from time to time to prevent spread of Covid-19, shall be strictly followed.
- (36) If any advocate(s) or litigant(s) is found violating the above guidelines, the District Judge / Principal Judge shall bring it to the

notice of the Bar Council of Madhya Pradesh and respective Bar Association(s) under intimation to the High Court and may take such action as he/she deems fit and proper.

- (37) From the date of implementation of this Circular, the Units criteria shall be relaxed to 50% of the prescribed Units till further order / modification.
- (38) The Units criteria relaxed as per Circular no. A/2874, dated 03.12.2020 shall remain extended upto implementation of this Circular.


15.1.21
(RAJENDRA KUMAR VANI)
REGISTRAR GENERAL