



## THE HIGH COURT OF KERALA

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No: **DI-3/ 27275/2020**

**Dated: 21-12-2020**

### OFFICIAL MEMORANDUM

Sub.: Functioning of Subordinate Courts from 01.01.2021  
- advisories issued- reg.

Ref: 1. High Court OM No.R. 10/2020(SS) dated 18.04.2020  
2. High Court OM of even no. dated 15.05.2020

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In view of the outbreak of COVID 19 Pandemic, the High Court had earlier issued advisories regarding the functioning of the Subordinate courts in the State, vide reference cited 2<sup>nd</sup>. Now, considering the present circumstances prevailing in the State, a revised advisory, appended as annexure 'A', is issued for the functioning of the courts in the District Judiciary from 01.01.2021.

(By Order)

P.G. Ajithkumar  
Registrar (Subordinate Judiciary)

To

All the District Judges

All the Chief Judicial Magistrates

Copy to

The B, C and E Sections, High Court

The ARS, High Court

The IT Section, High Court (for publishing in the website)

**Advisories for functioning of Subordinate Courts in the State**  
**from 01.01.2021**

These advisories are issued in modification of earlier advisories issued in the wake of the Pandemic on 15-5-2020 as per High Court OM DI-3/27275/2020 for regulating the functioning of the courts in the District judiciary. These advisories are issued taking into account recent Government Orders and the present COVID-19 situation and shall apply to both civil and criminal courts.

1. Crowding shall not be permitted in the court halls or the court premises under any circumstance. The Presiding Officer of every court shall ensure that only a minimum number of persons attend the court at a time. The Courts for regulating the number of persons may reduce the number of cases in the Cause List and give time slots for each case or split the posting of cases into morning and afternoon sessions, taking into account the convenience of the parties and their counsel.
2. The Cause List so prepared shall be communicated to the local Bar Association, Clerks Association and it shall also be published in the notice board of each court.
3. The Courts shall ensure physical distancing norms inside the courts as well as in the veranda by arranging seats observing social distancing rule and ensure strict compliance of the Directives issued by the Central and State Governments as well as the health department from time to time.
4. The advocates who are having their cases posted on a particular day and if necessary, one junior for a senior advocate alone shall be permitted entry inside the court during court hours. Advocate clerks have to place the files inside the court hall before the court starts sitting. They have to wait outside the court hall during the period of sitting.



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5. Presence of parties shall be insisted only if necessary and the party voluntarily coming to court will be allowed entry only if he/she carries a letter issued by his counsel stating that his/her presence in court on that day is very essential.
6. A reasonable number of witnesses shall alone be summoned on a particular day. Priority should be given to old cases and cases wherein time bound disposal is prescribed by higher courts. Examination of witnesses through video conferencing can be done wherever possible following the guidelines contained in O M. No. 10/2020(SS) dated 18-4-20 and relevant rules.
7. Since there is no travel restrictions now, every court shall take up normal work subject to the restrictions aforementioned. During this covid period courts must adopt a liberal approach but at the same time the courts have to ensure that absence of a party or witness is due to genuine reasons and covid-19 restrictions are not used as a ruse to justify his absence in a case, where his presence was insisted by the court. Where the court is satisfied that the absence was not due to any genuine reason, the court can proceed with the case in accordance with law.
8. In Civil Courts, cases included in the special list for trial and other cases essentially to be taken up on the day alone need be taken up in the open court. In Criminal Courts, cases which are scheduled for recording plea/framing of charge, examination of witnesses, 313 examination, hearing or judgement and other cases necessarily to be considered on the day alone need be taken up in the open court.
9. All cases posted to each day except those taken up in the open court shall be adjourned by the Presiding Officer himself and publish the notification after sitting time, on the same day, so that urgent matters will not be adjourned to a distant date and the Presiding Officer can give personal attention to each and every case according to its urgency.
10. As far as possible no unnecessary adjournments shall be granted in 5+ year old cases and cases in which speedy trial/time bound



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disposal has been ordered by a Higher Court.

11. Fresh cases where urgent interim reliefs are sought, shall also be considered every day, at a specific time.
12. In cases where a Commissioner has been appointed for recording evidence, the Commissioner shall be specifically instructed to comply with the physical distancing norms while recording evidence.
13. When there are more than one accused in a case, necessary directions for keeping distance in the dock shall be given to them.
14. Production of accused for the first remand and extension of remand of undertrial prisoners may be done through video linkage as per the directions in this regard, except where police custody is to be given or presence of the accused is essential for the purpose of trial or such other reasons.
15. District Courts, as far as possible, shall hear bail applications through video-conferencing.
17. Filing of cases/petitions through the filing counter arranged at the entrance of the courts shall be continued for the time being, and persons dealing with files are directed to use hand gloves and to sanitize their hands frequently.

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