



सत्यमेव जयते

UTTARAKHAND COURT NEWS
(A Quarterly Court Magazine)

Vol.-XIII Issue No.-II (April to June, 2022)



EDITORIAL BOARD

Hon'ble Mr. Justice Sharad Kumar Sharma
Hon'ble Mr. Justice Ramesh Chandra Khulbe
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Hon'ble Mr. Justice Vipin Sanghi
(Chief Justice)
(w.e.f. 28.06.2022)



Hon'ble Mr. Justice Sanjaya Kumar Mishra



Hon'ble Mr. Justice Manoj Kumar Tiwari



Hon'ble Mr. Justice Sharad Kumar Sharma



Hon'ble Mr. Justice Narayan Singh Dhanik
(Superannuated on 19.05.2022)



Hon'ble Mr. Justice Ramesh Chandra Khulbe



Hon'ble Mr. Justice Ravindra Maithani



Hon'ble Mr. Justice Alok Kumar Verma

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HIGH COURT OF UTTARAKHAND

LIST OF JUDGES (AS ON 30th June, 2022)

Sl. No.	Name of the Hon'ble Judges	Date of Appointment
1.	Hon'ble Mr. Justice Vipin Sanghi (Chief Justice)	28.06.2022
2.	Hon'ble Mr. Justice Sanjaya Kumar Mishra	11.10.2021
3.	Hon'ble Mr. Justice Manoj Kumar Tiwari	19.05.2017
4.	Hon'ble Mr. Justice Sharad Kumar Sharma	19.05.2017
5.	Hon'ble Mr. Justice Narayan Singh Dhanik (Superannuated on 19.05.2022)	03.12.2018
6.	Hon'ble Mr. Justice Ramesh Chandra Khulbe	03.12.2018
7.	Hon'ble Mr. Justice Ravindra Maithani	03.12.2018
8.	Hon'ble Mr. Justice Alok Kumar Verma	27.05.2019

MAJOR EVENTS & INITIATIVES



Full Court Reference on Superannuation of Hon'ble Mr. Justice Narayan Singh Dhanik, Judge, High Court of Uttarakhand on 19.05.2022



*On Superannuation of Hon'ble Mr. Justice Narayan Singh Dhanik, Judge, High Court of Uttarakhand on
19.05.2022*

(Sitting R-L)

Hon'ble Mr. Justice Alok Kumar Verma, Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Mr. Justice Sanjaya Kumar Mishra , Acting Chief Justice, Hon'ble Mr. Justice Narayan Singh Dhanik and Hon'ble Mr. Justice Sharad Kumar Sharma.



Hon'ble Judges presenting memento to Hon'ble Mr. Justice Narayan Singh Dhanik, Judge, High Court of Uttarakhand on the occasion of superannuation of Hon'ble Mr. Justice Narayan Singh Dhanik.

The International Yoga Day-2022 is organized in the Conference Hall of the Chief Justice Block at the premises of High Court of Uttarakhand, Nainital on 21.06.2022





Full Court Reference to Welcome Hon'ble Mr. Justice Vipin Sanghi, the Chief Justice, High Court of Uttarakhand on 29.06.2022

Full Court Reference on Welcome of Hon'ble Mr. Justice Vipin Sanghi, the Chief Justice, High Court of Uttarakhand on 29.06.2022



Hon'ble Judges of the High Court on the Welcome Ceremony of Hon'ble Mr. Justice Vipin Sanghi,
the Chief Justice, High Court of Uttarakhand on 29.06.2022



(Standing R-L)

Hon'ble Mr. Justice Alok Kumar Verma, Hon'ble Mr. Justice Ramesh Chandra Khulbe, Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Mr. Justice Vipin Sanghi, the Chief Justice, Hon'ble Mr. Justice Sanjaya Kumar Mishra, Hon'ble Mr. Justice Sharad Kumar Sharma and Hon'ble Mr. Justice Ravindra Maithani.

PROGRAMMES ATTENDED BY HON'BLE JUDGES

(FROM APRIL 2022 TO JUNE 2022)

1. Hon'ble Mr. Justice Sharad Kumar Sharma attended the National Workshop for Senior High Court Justices on information Communication Technology in Courts through Video Conferencing at National Judicial Academy, Bhopal during the period from 09.04.2022 to 10.04.2022.

RECENT JUDGMENTS OF THE HON'BLE COURTS

(01.04.2022 TO 30.06.2022)

Division Bench Judgments

1. In WPSB No. 280 of 2020, Anita Sharma vs. State of Uttarakhand and others decided on 01.04.2022, the Hon'ble Court observed that :-

Para 1 of Judgement :- In this case, the petitioner has prayed for issuance of a writ of certiorari quashing and setting-aside the impugned order dated 24.08.2020, Annexure No.1, by which the respondent No.7 has given compulsory retirement to the petitioner. She assails the order passed by the Committee of Management of the BSM (PG) College, Roorkee, which is affiliated to the Hemwati Nandan Bahuguna Garhwal University (*hereinafter referred to as "the University" for brevity*).

Para 8 of Judgement: - It is apparent from the record that Chapter XVII, Part-I of the First Statute provides for conditions of services of teachers of associated colleges. We have carefully examined Regulations 17.01 to 17.11, and we do not find that the management of any aided college affiliated with the University has a jurisdiction to inflict the punishment of compulsory retirement.

Para 9 of Judgement :- Admittedly, such a provision is only provided in the Fundamental Rules, and not in the Rules guiding the University. Moreover, Section 35 of the Act provides for conditions of service of teachers of affiliated or associated colleges other than those maintained by Government or local authority. Sub-Section (2) provides that every decision of the Management of such college to dismiss or remove a teacher or to reduce him in rank or to punish him in any other manner shall before it is communicated to him, be reported to the Vice-Chancellor and shall not take effect unless it has been approved by the Vice-Chancellor: Provided that in the case of colleges established and administered by a minority referred to in

clause (1) of Article 30 of the Constitution of India, the decision of the Management dismissing, removing or reducing in rank or punishing in any other manner any teacher shall not require the approval of the Vice-Chancellor, but, shall be reported to him and unless is satisfied that the procedure prescribed in this behalf has been followed, the decision shall not be given effect to.

Para 11 of Judgement:-we are of the considered view that the order passed by the respondent No.7 *de hors* the jurisdiction, and therefore, has to be quashed.

Para 14 of Judgement:- Moreover, the Rule has been made to apply to the government servant, and government servant has been defined by the Rule itself. Clause (7-B) of Rule 9 defines the government servant for purposes of these Rules. It means a person appointed to a civil post or a civil service under the State Government in India, and serving in connection with affairs of the Uttar Pradesh (now Uttarakhand), whose conditions of service have been or may be prescribed by the Governor under Section 241(2)(b) of the Act.

Para 15 of Judgement:- We are of the opinion that the petitioner is not a civil servant. She was never appointed to a civil post, or civil service under the State Government. Rather, she was employed by the Committee of Management of privately maintained college, but receiving aid from the State Government.

Para 17 of Judgement:- The other aspect of the case is that the petitioner was never given an opportunity of defending herself. As we have pointed out earlier that on 20.08.2020, the petitioner was given a notice, for the first time, to appear on 21.08.2020 at 12.00 noon, before the Principal, i.e. the respondent No.10. On that day, she prayed for 15 days' time to put her defence. However, on 24.08.2020, without giving her an opportunity, the Management of the College issued an order of compulsory retirement against the petitioner. This, in our opinion, is in violation of principle of natural justice. It also shows the authoritarian attitude on the part of the

Management of the College.

2. *In A.O. No. 36 of 2022, Dinesh Thakur vs. Sakshi Bansal*, decided on 04.04.2022, the Hon'ble Court observed that:-

Para 1 of Judgement:- In this appeal, the petitioner, before the learned Judge, Family Court, Dehradun in Misc. Case No. 25 of 2020, has assailed the order passed by the Court on 17.12.2021 dismissing his application under Order 9 Rule 9 of the Code of Civil Procedure, 1908 (hereinafter referred to as "the Code" for the sake of brevity), read with Section 151 of the Code.

Para 7 of Judgement:-Order 9 Rule 9 of the Code is a benevolent provision, which provides for a remedy to persons, who are prevented by sufficient cause from appearing in the Courts, for restoration of the cases that have been dismissed and for setting aside the order of dismissal.

Para 8 of Judgement:- Moreover, the Family Court Act aims at a better mechanism for deciding family disputes. The statement of Objects and Reasons of the Family Court Act, 1984 provides that the Family Courts should be set up for settlement of family disputes, where emphasis should be laid on conciliation and achieving socially desirable results and adherence to rigid rules of procedure and evidence should be eliminated. The Law Commission in its 59th report (1974) had also stressed that in dealing with disputes concerning the family, the Court ought to adopt an approach at settlement before the commencement of the trial. The Statement of Objects and Reasons further reveals that in spite of such recommendations, the Courts are continuing to deal with family disputes in the same manner as other civil matters and the same adversary approach prevails.

Para 9 of Judgement:- Thus, this Court is of the opinion that the proceedings under the Family Courts Act are not to be treated as adversarial disputes, rather the Court should be pro-active in coming to a settlement between the parties, so that a socially acceptable result can be achieved.

Para 10 of Judgement:- We are constrained to observe that the observation made by the learned Judge, Family Court, Dehradun in the order impugned appears to be contrary to the aims and objects of the Family Courts Act, and, therefore, we are of the further opinion that the order impugned should be set aside. The learned Judge, Family Court, Dehradun, has taken a very technical and restrictive view in interpreting the facts and law in this case.

3. *In Ref. No. 02 of 2021, Sanjay Singh vs. State of Uttarakhand with Criminal Appeal No. 441 of 2021, Sanjay Singh vs. State of Uttarakhand* decided on 10.05.2022, the Hon'ble Court observed that :-

Para 1 of Judgement:- In this Reference under Section 366 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'the Code' for brevity), and the connected Criminal Appeal No. 441 of 2021, the legality of conviction and sentence of death recorded by the learned Additional Sessions Judge, Tehri Garhwal, New Tehri, in Sessions Trial No. 02 of 2015, as per the judgment dated 21.08.2021, is examined, for confirmation or otherwise of the death sentence. The conviction itself is challenged by the condemned prisoner in the connected criminal appeal.

Para 6 of Judgement:- Section 329 of the Code, prescribes the procedure in case of person of unsound mind tried before Court. The same reads as under:-

329. Procedure in case of person of unsound mind tried before Court.—(1)

If at the trial of any person before a Magistrate or Court of Session, it appears to the Magistrate or Court that such person is of unsound mind and consequently incapable of making his defence, the Magistrate or Court shall, in the first instance, try the fact of such unsoundness and incapacity, and if the Magistrate or Court, after considering such medical and other evidence as may be produced before him or it, is satisfied of the fact, he or it shall record a finding to that effect and shall postpone further proceedings in the case.

(1A) If during trial, the Magistrate or Court of Sessions finds the accused to be of unsound mind, he or it shall refer such person to a psychiatrist or clinical psychologist for care and treatment, and the psychiatrist or clinical psychologist, as the case may be shall report to the Magistrate or Court whether the accused is suffering from unsoundness of mind:

Provided that if the accused is aggrieved by the information given by the psychiatric or clinical psychologist, as the case may be, to the Magistrate, he may prefer an appeal before the Medical Board which shall consist of-

- (a) head of psychiatry unit in the nearest government hospital;
and
- (b) a faculty member in psychiatry in the nearest medical college.

(2) If such Magistrate or Court is informed that the person referred to in sub-section (1A) is a person of unsound mind, the Magistrate or Court shall further determine whether unsoundness of mind renders the accused incapable of entering defence and if the accused is found so incapable, the Magistrate or Court shall record a finding to that effect and shall examine the record of evidence produced by the prosecution and after hearing the advocate of the accused but without questioning the accused, if the Magistrate or Court finds that no *prima facie* case is made out against the accused, he or it shall, instead of postponing the trial, discharge the accused and deal with him in the manner provided under section 330.

Provided that if the Magistrate or Court finds that a *prima facie* case is made out against the accused in respect of whom a finding of unsoundness of mind is arrived at, he shall postpone the trial for such period, as in the opinion of the psychiatrist or clinical psychologist, is required for the treatment of the accused.

(3) If the Magistrate or Court finds that a *prima facie* case is made out against the accused and he is incapable of entering defence by reason of mental

retardation, he or it shall not hold the trial and order the accused to be dealt with in accordance with Section 330.

Para 8 of Judgement:- a very onerous responsibility is on the Court whenever any person is found, *prima facie*, to be suffering of unsoundness of mind. Sub-Section (1A) of Section 329 of the Code further provides that if the Court of Sessions finds the accused to be of unsound mind, he shall refer such a person to a psychiatrist or clinical psychologist for care and treatment, and the psychiatrist or clinical psychologist, as the case may be, shall report to the Court whether the accused is suffering from unsoundness of mind. Even, Sub-section (1A) of Section 329 of the Code provides for an appeal to a medical Board consisting of head of the psychiatry unit as well as a faculty member of said department.

Para 9 of Judgement:- Thus, it is apparent that the Parliament in its wisdom has created safeguards for persons who may be suffering from mental illness, and as such, they are incapable of defending themselves. So a particular procedure has been prescribed by the Court itself.

Para 10 of Judgement:- Section 105 of the Mental Healthcare Act, 2017, deals with the question of mental illness in judicial process. The same reads as under:-

105. Question of mental illness in judicial process. – If during any judicial process before any competent court, proof of mental illness is produced and is challenged by the other party, the court shall refer the same for further scrutiny to the concerned Board and Board shall, after examination of the person alleged to have a mental illness either by itself or through a committee of experts, submits its opinion to the court.

The definition Clause (d) provides that Board means the Mental Health Review Board constituted by the State Authority under Sub-section (1) of Section 73 in such manner as may be prescribed.

Para 17 of Judgement :-It is apparent from the record that there is enough material on record to be satisfied, *prima facie*, that the appellant was suffering from mental illness at the time of trial. In that fact situation, the operation of Section 329 of the Code as well as Section 105 of the Mental Healthcare Act come into play. In such a situation, the Court should have followed the procedure laid down under Section 329 of the Code read with Section 105 of the Mental Healthcare Act.....

4. *In Reference No. 05 of 2021, Digar Singh vs. State of Uttarakhand with Criminal Appeal No. 08 of 2022, Digar Singh vs. State of Uttarakhand*, decided on 19.05.2022, the Hon'ble Court observed that :-

Para 17 of Judgement:-..... 38. *In this background the guidelines indicated in Bachan Singh vs. State of Punjab, (1980) 2 SCC 684 case will have to be culled out and applied to the facts of each individual case where the question of imposing of death sentences arises. The following propositions emerge from Bachan Singh vs. State of Punjab, (1980) 2 SCC 684 case.*

(i) *The extreme penalty of death need not be inflicted except in gravest cases of extremeculpability;*

(ii) *Before opting for the death penalty the circumstances of the 'offender' also require to be taken into consideration along with the circumstances of the 'crime'.*

(iii) *Life imprisonment is the rule and death sentence is an exception. In other words death sentence must be imposed only when life imprisonment appears to be an altogether inadequate punishment having regard to the relevant circumstances of the crime, and provided, and only provided the option to impose sentence of imprisonment for life cannot be conscientiously exercised having regard to the nature and circumstances of the crime and all the relevant*

circumstances.

(iv) A balance sheet of aggravating and mitigating circumstances has to be drawn up and in doing so the mitigating circumstances have to be accorded full weightage and a just balance has to be struck between the aggravating and the mitigating circumstances before the option is exercised.

Para 19 of Judgement:- While deciding whether the crime is uncommon, the Court has to keep in mind that such a crime has generally not taken place in the area, or that the crime that has been committed has shaken the basic fabric of the society. It should also adversely affect the conscience of the Court so that it has no other option, but to award the death sentence.

Para 21 of Judgement:- We are also taking into consideration the case of *Absar Alam @ Afsar Alam vs. State of Bihar, (2012) 2 SCC 728*, wherein the Hon'ble Supreme Court has considered whether the appellant's beating of his own mother is not a rarest of the rare case in which death penalty should be imposed because offence has been committed by the appellant in a fit of passion and not after pre-meditation.

Para 22 of Judgement:- In this case, we find that the FIR itself shows that there is some quarrel between the condemned prisoner and the deceased. So it cannot be said that the condemned prisoner had deliberately, with pre-meditation, committed the crime. Hence, the ratio decided by the Hon'ble Supreme Court in the case of *Absar Alam @ Afsar Alam vs. State of Bihar, (2012) 2 SCC 728*, is quite squarely covered in the case in hand.

Para 23 of Judgement:- Furthermore, we see from the records that there is no criminal antecedent against the condemned prisoner. There is no report from the Jail Superintendent that he mis-conducted himself while being incarcerated. It is also seen that he has fairly confessed before the Court in his statement recorded under Section 313 of the Code that he has committed the murder of his mother. So, in our opinion,

the penalty of death is not appropriate for this case, and it cannot be held to be rarest of the rare case, in which all other options are unquestionably fore closed. Moreover, death penalty is awarded only when the Court comes to the conclusion that the condemned prisoner cannot be let back into the society because of the apprehension that his further living will be a danger of the society, and that his re- assimilation in the society would be dangerous to all the people, who come in contact with him. In this case, there is no such finding of the learned Ist Additional District & Sessions Judge.

5. *In WPMS No. 1243 of 2022, Rajkumar Adlakha vs. The Cantonment Board Landour and others*, decided on 20.06.2022, the Hon'ble Court observed that:-

Para 1 of Judgement:- This matter is taken up on being referred by the learned Single Judge to the Larger Bench to answer the following two questions :-

“1. As to whether while dismissing the contempt petition under Section 20 of the Contempt of Court’s Act for the same cause of action, whether the Court exercising its power under Section 12 of the Contempt of Court’s Act, can reserve a liberty to file a fresh writ petition for the same cause of action?”

2. Whether as a consequence of the dismissal of the contempt petition under Section 20 of the Act, will not the order granting the liberty to file a fresh writ petition being in contradiction to the dismissal of the contempt under Section 20?”

Para 2 of Judgement:-The writ petition came up before the learned Single Judge on 11.01.2018, and the learned Single Judge disposed of the same on the first date itself by making following observations:

“According to learned counsel for the petitioner, petitioner made an application to the Defence Estate Officer (respondent no. 6) for mutation of a property situated in Landour Cantonment,

Landour, Mussoorie which was gifted to him by the erstwhile owner in the year 1994.

Learned counsel for the petitioner submits that such application for mutation was made on 20.08.1999 but no decision as been taken so far. He confines his prayer and submits that Competent Authority/Defence Estate Officer be directed to look into the matter and take appropriate decision on petitioner's application.

Prayer made by learned counsel for the petitioner is innocuous and deserves to be accepted.

Accordingly, the writ petition is disposed of. Liberty is granted to the petitioner to make fresh representation to the Defence Estate Officer alongwith all necessary documents, within two weeks from today. If such representation is made, the Defence Estate Officer shall take decision on petitioner's representation by passing an appropriate order, in accordance with law, within ten weeks thereafter"

Para 3 of Judgement:- Thereafter, the authorities did not consider the case of the petitioner. Hence, he filed a Contempt Petition bearing CLCON No.118 of 2022. It was dismissed on 06.05.2022, on the question of limitation, but the learned Single Judge gave liberty to the petitioner to file appropriate writ petition.....

Para 6 of Judgement:- Section 20 of the Contempt of Courts Act, 1971 provides for limitation for actions for contempt. It reads as under:-

"20. Limitation for actions for contempt.—No court shall initiate any proceedings of contempt, either on its own motion or otherwise, after the expiry of a period of one year from the date on which the contempt is alleged to have been committed.

Para 7 of Judgement:- In this case, we are of the considered view that once as matter is decided on merit, and the contempt is dismissed on the question of limitation, then it is not open to the Court exercising contempt jurisdiction to give any liberty to the petitioner, or the complainant to re-agitate the matter because the matter has already been put to rest by a reasoned judgment. But, when no order/findings has been

recorded as far as the merit of the case is concerned, and an innocuous order has been passed giving the liberty to the petitioner to file a representation before the authorities, then the Court exercising contempt jurisdiction, and dismissing the same on the question of limitation by invoking Section 20 of the Contempt of Courts Act will not be prevented it from granting the liberty to the petitioner, or the complainant to re-agitate the matter because the matter which was raised originally by the petitioner has yet to be decided by the Court.

Para 10 of Judgement:- In that view of the matter, we are of the opinion that Section 20 of the Act generally barred the Court from giving any liberty to the petitioner to re-agitate the issue, especially, when we have already held in the case of *Pradeep Singh vs. Director General, Assam Rifles UPAO Branch (NE- III) & others*, 2022 SCC Online Utt 428, that Order II Rule 2 read with Section 141 of the Code of Civil Procedure, 1908 leads to the conclusion that Order II Rule 2 of Code is not applicable to a petition for a high prerogative writ under Article 226 of the Constitution. We have also taken note of the reported case of *Brahma Singh & others vs. Union of India & others*, (2020) 12 SCC 762, wherein the Hon'ble Supreme Court has held as under:-

“9. As far as the second submission made on behalf of the Union of India is concerned, we have carefully gone through the earlier order and the writ petition. Though it is correct that in the writ petition there was a general claim to grant all the benefits under Rule 6 which would include retiral benefits but it appears that the Court did not go into the same. There is no rejection of the plea and as such we are of the considered view that this petition is maintainable and cannot be rejected on this hypertechnical ground.

10. In relation to applicability of Order II Rule 2 of the Civil Procedure Code, 1908 this Court has held in Devendra Pratap Narain Rai Sharma v. State of Uttar Pradesh and Others as follows.

“12. ...The bar of Order 2 Rule 2 of the Civil Procedure Code on

which the High Court apparently relied may not apply to a petition for a high prerogative writ under Article 226 of the Constitution, but the High Court having disallowed the claim of the appellant for salary prior to the date of the suit, we do not think that we would be justified in interfering with the exercise of its discretion by the High Court.” Placing reliance on the case of *Devendra Pratap Narain Rai Sharma vs. State of Uttar Pradesh*, this Court in *Gulabchand Chhotalal Parikh v. State of Gujarat* in relation to Order II Rule 2 held as follows (AIR p. 1159, para 26).

“26. ...By its very language, these provisions do not apply to the contents of a writ petition and consequently do not apply to the contents of a subsequent suit.”

Para 11 of Judgement:- In that view of the matter, we, accordingly, answered the questions, and request the learned Single Judge to adjudicate the matter on merits.

6. *In GA No. 333 of 2004, State of Uttarakhand vs. Rajendra Singh Yadav*, decided on 24.06.2022, the Hon’ble Court observed that :-

Para 1 of Judgement:- The present appeal has been filed by the State Government against the judgment and order dated 07.06.2002 passed by the learned Additional Sessions Judge, Udham Singh Nagar in S.T. No. 399 of 2001, whereby the accused was not found guilty and, accordingly, acquitted under Sections 304B IPC and Section 3/4 of the Dowry Prohibition Act.

Para 21 of Judgement:- for convicting the accused for an offence punishable under Section 304B IPC, the following pre-requisites must be met:-

- (i) that the death of a woman must have been caused by burns or bodily injury or occurred otherwise than under normal circumstance;
- (ii) that such a death must have occurred within a period of seven

years of her marriage;

(iii) that the woman must have been subjected to cruelty or harassment at the hands of her husband, soon before her death; and

(iv) that such a cruelty or harassment must have been for or related to any demand for dowry.

Para 22 of Judgement:- Section 113B of the Indian Evidence Act, 1872, the same refers to a presumption relating to a dowry death and is phrased as below:-

“113B. Presumption as to dowry death- When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

Explanation - For the purposes of this section, “dowry death” shall have the same meaning as in section 304B of the Indian Penal Code (45 of 1860).”

Para 23 of Judgement:- The explanation appended to Section 304B IPC states that the word “dowry” shall have the same meaning as provided in Section 2 of the Dowry Prohibition Act, 1961 which reads as follows:

“2. Definition of ‘dowry’ - In this Act, “dowry” means any property or valuable security given or agreed to be given either directly or indirectly

(a) by one party to a marriage to the other party to the marriage; or

(b) by the parents of either party to a marriage by any other person, to either party to the marriage or to any other person;

at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal law (Shariat) applies.

Para 24 of Judgement:- The main ingredients of the offence, which is required to be established to attract the provision of Section 304B IPC is that ‘soon before her death’

the victim was subjected to cruelty or harassment for or in connection with demand of dowry.

Para 25 of Judgement:- Once the prosecution has established to demonstrate that a woman has been subjected to cruelty or harassment for or in connection with demand of dowry 'soon before her death' the Court shall proceed on presumption that the person who has subjected her to cruelty in connection with demand of dowry has caused dowry death within the meaning of Section 304B IPC read with Section 113B of the Indian Evidence Act.

Para 31 of Judgement :- We are of the opinion that the fact that 20 days prior to the death, the deceased called her mother and asked her to bring money is sufficiently indicative of the fact that she was put to torture for the demand of dowry, which led her to call her mother. Therefore, we are of the firm opinion that the appreciation of evidence by the learned Additional Sessions Judge is not only unreasonable, but is also perverse requiring our interference.

Para 36 of Judgement:- From the perusal of the evidence, it is clear that when the deceased was rushed to the hospital she was 90% in burn condition and before few days of her death she disclosed to her mother and brother that she was subjected to cruelty and harassment by the respondent- husband for the demand of dowry.

Para 38 of Judgement:- From the above analysis, it is clear that the prosecution was able to successfully prove that the death of the deceased due to burn injuries took place within approximately three years and two months of her marriage. It has further been proved that soon before her death she was subjected to harassment and cruelty pursuant to demand of dowry. Since the ingredients of Section 304B IPC stand satisfied, the presumption under Section 113B, Evidence Act operates against the accused-respondent, who is deemed to have caused the offence specified under Section 304B IPC.

Single Bench Judgments

1. In WPSS No. 1226 of 2020, Kavita Arya and others vs. State of Uttarakhand and another, decided on 06.04.2022, the Hon'ble Court observed that :-

Para 2 of Judgement:- According to petitioners, they possess all requisite qualification for appointment as Pharmacist in Department of Ayurvedic & Unani Services. Petitioners belong to Scheduled Caste category. Their grievance is that in the advertisements issued by respondent no. 2 inviting applications for the post of Pharmacist in recent past, adequate number of posts were not reserved for persons belonging to Scheduled Caste. This, according to them, violates Reservation Policy of the State.....

Para 11 of Judgement:- Reservation to S.C., S.T. and Backward Classes in public services of the State is governed by the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes) Act, 1994. Sub-section (5) of Section 3 of the said Act reads as under:-

“3. Reservation in favour of Scheduled Castes, Scheduled Tribes and Other Backward Classes...

...

....

(5) The State Government shall for applying the reservation under sub-section (1), by a notified order, issue a roster comprising the total cadre strength of the public service or post indicating therein the reserve points and the roster so issued shall be implemented in the form of a running account from year to year until the reservation for various categories of persons mentioned in sub-section (1) is achieved and the operation of the roster and the running account shall, thereafter, come to an end, and when a vacancy arises thereafter in public service or post

the same shall be filled from amongst the persons belonging to the category to which the post belongs in the roster.”

Para 12 of Judgement:- From the aforesaid provision, it is apparent that roster prepared by Uttarakhand Government for applying reservation in appointment has to be implemented in the form of a running account from year to year, however, once the situation arrives when different reserved categories are given adequate representation as per Reservation Policy, then operation of roster/ running account has to come to an end and when a vacancy arises thereafter, the same has to be filled from amongst the persons belonging to the category to which the post belongs in the roster.

Para 13 of Judgement:- A constitution Bench of Hon’ble Supreme Court in the case of R.K. Sabharwal and others v. State of Punjab and others, reported in (1995) 2 SCC 745 while considering interplay of reservation policy and the roster has held that purpose of maintaining running account in the form of roster is to make sure that Scheduled Castes, Scheduled Tribes and Backward Classes get their percentage of reserved posts and further that concept of running account has to be so interpreted that it does not result in excessive reservation.

2. *In WPMS No. 150 of 2021, Reeba Khan vs. Central Board of Secondary Education and another*, decided on 06.04.2022, the Hon’ble Court observed that :-

Para 1 of Judgement:- Brief facts of the case are that the petitioner who contends that she was the student of Junior High School, Thakurdwara, had taken her High School Examination, which was conducted by the CBSE Board, Dehradun, and prior to taking of her examination, parents of the petitioner had submitted an application form before the school concerned for the purposes of correction of her date of birth, as she was alleged to have born on 3rd January 2003, as per the date of birth certificate, which had been issued in her favour by the Department of Medical and Health,

Government of Uttar Pradesh, as it then was.

Para 2 of Judgement:- The examination was conducted in 2020 and the petitioner contends that when she had received the mark sheet, it reflected for the first time, that her date of birth as to be 8th March 2005, which, according to her, it was a wrong date of birth, which had been recorded, due to the mistakes of school authorities and due to the aforesaid inadvertence, the petitioner had filed an application on 17th August 2020, before the school concerned, which was later on forwarded by respondent No. 2 to respondent No. 1, for making necessary rectification in the date of birth of the petitioner, recorded in the records of CBSE Board.

Para 5 of Judgement:- The learned counsel for the respondent had placed reliance on a recent judgement, which had been rendered by the Hon'ble Apex Court on 3rd June 2021, in a bunch of Civil Appeals with leading **Civil Appeal No. 3905 of 2011, Jigyada Yadav (Minor) (through guardian/father Hari Singh) Vs. C.B.S.E (Central Board of Secondary Education & Others**, particularly, the learned counsel for the respondent had drawn the attention of this Court to the contents of para 146 of the said judgement, wherein it has been observed that the change in correction of name or date of birth certificate, there has had to be a stringent conditions, which are applicable and are required to be followed for changing the aforesaid two aspects..... Para 146 of the said judgement is extracted hereunder:-

“146. Similar provision is available for “correction” in date of birth, either on the basis of school records or on the basis of order of court. The word “change” is not used for date of birth as, unlike name, there can only be one date of birth and there can only be a correction to make it consistent with school record or order of Court. It cannot be changed to replace the former with a fresh date of one's choice. Be it noted, provisions relating to correction in date of birth and name are just and reasonable and do not impose any unreasonable restriction on permissibility of corrections. The restriction regarding limitation period shall be examined later, along with other provisions.”

Para 7 of Judgement:- Since the aforesaid judgement is directly applicable in the facts and circumstances of the present case, where, hereto the petitioner has sought a correction in the date of birth which had been recorded in the school records, as well as recorded with the Board and since the judgement referred to above, related to the correction sought with regards to the records of the Board, the petitioner's case would fall for consideration under parameters laid down in para 156 of the said judgment, and if the correction if at all could only be brought in, it could be brought in by way of a Suit for declaration to be rendered by the regular Civil Court.

3. *In Criminal Misc. Application No. 370 of 2022, Praveen Dhama alias Dumpy vs. State of Uttarakhand and others*, decided on 26.04.2022, the Hon'ble Court observed that :-

Para 7 of Judgement:- It is argued that in cases where an accused is summoned under Section 319 of the Code, the witnesses already examined are to be re-heard. Reference has been made to Section 319 Sub-Section (4) of the Code.

Para 8 of Judgement:- Learned counsel for the petitioner has also referred to the judgment in the case of Atma Ram and others vs. State of Rajasthan 2019 SCC OnLine SC 523.

Para 9 of Judgement:- In the case of Atma Ram and others vs. State of Rajasthan 2019 SCC online SC 523, the Hon'ble Supreme Court observed that, "the right of an accused to watch the prosecution witnesses deposing before a court is a valuable right and infringement of such a right is gravely prejudicial.

Para 10 of Judgement:- On the other hand, learned counsel for the private respondents would submit that on 12.03.2020, when PW2 Sanjeev Pal Singh appeared

for his examination, he was read over his examination-in-chief recorded on 31.10.2018. This witness affirmed his statement and also stated that he has nothing to say more than that he had already stated. Learned counsel for the private respondents would submit that it fulfills the requirement of the examination-in-chief of a witness. It is also argued that thereafter, the PW2 Sanjeev Pal Singh has been cross-examined by the petitioner, it according to the learned counsel for the private respondents, means that the petitioner has owned up the statement of PW2 Sanjeev Pal Singh recorded in his examination-in-chief on 31.10.2018, as his examination-in-chief. Therefore, no irregularity has been committed in the matter and no interference is warranted.

Para 15 of Judgement:-In the instant case, the petitioner has been summoned under Section 319 of the Code. It was so done, after examination of PW1 Rakesh Kumar and PW2 Sanjeev Pal Singh. Section 319(4) of the Code provides the procedure post summoning of an accused under Section 319 of the Code.....

Para 16 of Judgement:- A bare perusal of Section 319(4)(a) of the Code categorically speaks that the proceedings in respect of a person summoned under Section 319 of the Code shall be commenced afresh and the witnesses re- heard. Even the literal meaning of it, makes it clear that the witnesses already examined should be produced again for their examination in the presence of accused and it includes the examination-in-chief.

Para 18 of Judgement:- Examination of a witness prior to summoning of an accused under Section 319 of the Code may not be termed previous statement qua the newly summoned accused. Even if for the sake of argument it is termed as previous statement, it cannot form examination-in- chief of the witness by merely reading over it to him, when such witness is produced for his examination qua an accused summoned under Section 319 of the Code. In view of Section 319(4) (a) the witnesses already examined are to be re-heard.

Para 20 of Judgement:-In the case of Shashikant Singh vs. Tarkeshwar Singh and another (2002 5 SCC 738), it has categorically observed, “it would not be sufficient to only tender the witnesses for the cross-examination of such a person, they have to be examined afresh. Fresh examination-in-chief and not only their presentation for the purpose of cross-examination of a newly added accused is the mandate of Section 319(4)”.

Para 23 of Judgement:- In the instant case, in fact, the examination- in-chief of PW1 Rakesh Kumar and PW2 Sanjeev Pal Singh has not been recorded afresh. Reading over previous statements and taking it as an examination-is-chief is an irregularity. The trial has yet not concluded.

4. In Criminal Misc. Application No. 610 of 2022, Smt. Poonam Bhagat vs. State of Uttarakhand and another, decided on 06.05.2022, the Hon’ble Court observed that :-

Para 1 of Judgement :- The applicant-accused Smt. Poonam Bhagat, mother-in-law of the deceased, invoked the inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as, “theCode”) to quash the charge-sheet.....

Para 17 of Judgement:-.....23..... our final conclusions on the principal/core issue, whether the High Court would be justified in passing an interim order of stay of investigation and/or “no coercive steps to be adopted”, during the pendency of the quashing petition under Section 482 Cr.P.C and/or under Article 226 of the Constitution of India and in what circumstances and whether the High Court would be justified in passing the order of not to arrest the accused or “no coercive steps to be adopted” during the investigation or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of/not entertaining/notquashing the

criminal proceedings/ complaint/ FIR in exercise of powers under Section 482 Cr.P.C.and/or under Article 226 of the Constitution of India, our final conclusions are as under:

- (i) Police has the statutory right and duty under the relevant provisions of the Code of Criminal Procedure contained in Chapter XIV of the Code to investigate into a cognizable offence;
- (ii) Courts would not thwart any investigation into the cognizable offences;
- (iii) It is only in cases where no cognizable offence or offence of any kind is disclosed in the first information report that the Court will not permit an investigation to go on;
- (iv) The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).
- (v) While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;
- vi) Criminal proceedings ought not to be scuttled at the initial stage;
- vii) Quashing of a complaint/FIR should be an exception rather than an ordinary rule;
- viii) Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;
- ix) The functions of the judiciary and the police are complementary, not overlapping;
- x) Save in exceptional cases where non interference would result in miscarriage of justice, the Court and the judicial process should not interfere at the stage of investigation of offences;
- xi) Extraordinary and inherent powers of the Court do not confer an arbitrary jurisdiction on the Court to act according to its whims or caprice;
- xii) The first information report is not an encyclopaedia which must disclose all facts and details relating to the offence reported. Therefore, when the investigation by the police is in progress, the court should not go into the merits of the allegations in the FIR. Police must be permitted to complete the investigation. It would be premature to pronounce the conclusion based on hazy facts that the complaint/FIR does not deserve to be investigated or that it amounts to abuse of process of law. After investigation, if the investigating officer finds that there is no substance in the application made by the complainant, the investigating officer may file an appropriate report/summary before the learned Magistrate which may be

considered by the learned Magistrate in accordance with the known procedure;

(xiii) The power under Section 482 Cr.P.C. is very wide, but conferment of wide power requires the court to be more cautious. It casts an onerous and more diligent duty on the court;

xiv) However, at the same time, the court, if it thinks fit, regard being had to the parameters of quashing and the self-restraint imposed by law, more particularly the parameters laid down by this Court in the cases of R.P. Kapur (supra) and Bhajan Lal (supra), has the jurisdiction to quash the FIR/complaint;

xv) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C., only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The court is not required to consider on merits whether or not the merits of the allegations make out a cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR;

xvi) The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or “no coercive steps to be adopted” and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or “no coercive steps” either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.

xvii) Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed

with the High Court while passing such an interim order.

xviii) Whenever an interim order is passed by the High Court of “no coercive steps to be adopted” within the aforesaid parameters, the High Court must clarify what does it mean by “no coercive steps to be adopted” as the term “no coercive steps to be adopted” can be said to be too vague and/or broad which can be misunderstood and/or misapplied.”

5. In Criminal Jail Appeal No. 08 of 2018, Ashok Singh Kandari vs. State of Uttarakhand, decided on 07.05.2022, the Hon’ble Court observed that :-

Para 27 of Judgement:-the Apex Court in “*Phool Singh vs. State of Madhya Pradesh*” (2022) 2 SCC 74 has held that there can be a conviction on the sole testimony of the victim/prosecutrix when the deposition of the prosecutrix is found to be trustworthy, unblemished, credible and her evidence is of sterling quality. It was further held that as a general rule, if credible, conviction of the accused can be based on sole testimony without corroboration. Sole testimony of the prosecutrix should not be doubted by the Court merely on basis of assumptions and surmises.

Para 28 of Judgement:- Furthermore, it is also well settled that in cases involving sexual harassment, molestation etc., the Court is duty bound to deal with such cases with utmost sensitivity. Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault is enough for conviction and it does not require any corroboration unless there are compelling reasons for seeking corroborations. The statement of the prosecutrix is more reliable than that of a injured witness as she is not an accomplice.

6. *In WPMS No. 2825 of 2021, Sekhar Singh Papola vs. State of Uttarakhand and others*, decided on 18.05.2022, the Hon'ble Court observed that :-

Para 11 of Judgement:- What is more important to be observed is that the Second Appeal, being Second Appeal Nos. 70 of 2021 and 71 of 2021, which had been preferred by the petitioner as against the regular concurrent decree of competent Civil Court, when it was instituted before this Court on 27th July 2021, it was marked as defective, and the appellant therein was granted time by the coordinate Bench to remove the defect, which was not done till 23rd August 2021. Hence, in fact, there operates no interim protection in the Second Appeal, which had been preferred by the petitioner, hence, preferring the writ petition on 5th December 2021, this Court is of the view, that it is a conscious and a deliberate act, on part of the petitioner and its counsel too (common in all cases before this Court), for resorting to a concurrent proceedings in relation to the same set of land, which constitutes to be the part of a decree of the Civil Court, hence the present writ petition happens to be the best example of an apparent abuse of process of law Court.

Para 12 of Judgement:- The concept of abuse of process of Court of law is one of the core issues, which has to be taken care of in the present judicial scenario, where a deliberate and intentional efforts are being made by the litigant on his failure to procure a favourable order in a pre-instituted proceedings to institute a fresh case under other provisions of law in relation to the same subject matter, or a same subject and if resort to the aforesaid process is with a clever intent, which is reflected in the present case where in almost all the cases it is the same counsel, who has filed the proceedings before this Court in relation to the same set of property and almost for a similar relief it is he who is to be blamed with, that he has not approached the Court with clean hands and it deliberately abuses the process of law Court.....

7. *In A.O. No. 108 of 2012, Mangat Singh and another vs. Sh. Amit Terathwal and others*, decided on 25.05.2022, the Hon'ble Court observed that :-

Para 3 of Judgement:- Brief facts of the case are, that the claimant have contended in their claim petition, which had been filed before the learned Court below on 4th May 2007 initially, by invoking the provisions contained under Section 163A of the Motor Vehicles Act, 1988, but, later on voluntarily, by the amendment sought for by the claimants, the claim petition was got amended and instead of claim petition being preferred under Section 163A of the Act, the same has been amended to be treated as to be the claim petition which has been preferred under Section 166 of the Motor Vehicles Act. As per the provisions of the Motor Vehicles Act, the two distinct provisions i.e. Section 163A, which is extracted hereunder, it includes the determination of compensation based upon the principles for the payment of compensation, on the basis of structured formula, as provided in the Second Schedule.....

Para 4 of Judgement:- Meaning thereby, at the stage when the claimants have instituted the claim petition, they had pressed for the grant of compensation claimed for by them by attracting the structured formula, which is attracted to be made applicable by the provisions of Section 163A of the Motor Vehicles Act. In that eventuality, had the claim petition proceeded under Section 163A, under which, it was initially instituted, the determination of the compensation could have been, attracted to be made applicable based on the structured formula on the basis of the parameters as it has been indicated in the 2nd Schedule of the Act.

Para 5 of Judgement:- But, when the claimants themselves admittedly had made an amendment and had brought the claim petition, under Section 166 of the Motor Vehicles Act, it completely changes the complexion of the parameters which were to be adopted for determining the quantum and adequacy of compensation, which is

exclusively depending upon the determination and establishment of the fact by evidence on record only on the establishment of a fact of negligence, on part of the driver of the offending vehicle, in order to provide the compensation to the legal representation of the deceased and hence once the claimants have altered the claim petition as to be one under Section 166, the burden of proof of negligence shifts upon the claimants who have to established the same based upon the evidence on record, to be adduced by them in order to determine the proportionality of payment of compensation.

Para 6 of Judgement:- In nutshell, when the compensation has been altered to be paid under Section 166 and that too apparently, by a voluntary act of the claimants, the claimants would be estopped to claim for compensation, on the basis of attracting the structured formula as provided under Section 163A of the Motor Vehicles Act.....

Para 7 of Judgement:- The claim petition, which was thus instituted by the claimants, the factual backdrop, which was narrated by the claimants, they have contended that on the date of the accident i.e. 20th April 2007, their son, who was returning to home after attending a marriage party by the vehicle bearing registration No. UA-07-N-1082 i.e. the Hero Honda motorcycle, he was a pillion rider and which was being driven by another person and it was contended that on account of the rash and negligent driving of the rider of the motorcycle i.e. Amit Terathwal, it had met with an accident, and it has resulted into the death of Mr. Akhil Kumar Terathwal.

Para 8 of Judgement:- The fact, which was pleaded was, that while they were returning back and reached at the spot i.e. between the village Badowala and Bhoor near Thana Patel Nagar, District Dehradun, all of a sudden, a running cow came in the midst of the road, due to which the rider of the vehicle Mr. Amit Terathwal, lost his control over the vehicle of which the deceased was a pillion rider and since it was being driven rashly and negligently by the rider Amit Terathwal, the liability of

payment of compensation was sought to be determined under Section 166 of the Motor Vehicles Act, which could have been only establishment of negligence on part of the rider of the motorcycle.

Para 21 of Judgement:- The learned Motor Accidents Claims Tribunal, has assigned adjudicatory logic, that under the Motor Vehicles Act, that wherever the claim petition has to be filed, which is a beneficial legislation, to defend the deceased person and since the death of the deceased, who was working in the Indian Armed Forces was of 24 years of age, the claim would be covered by the principles of ‘no fault liability’, and accordingly, by bringing the claim petition within an ambit of Section 163A, the learned Motor Accidents Claims Tribunal had arrived at a conclusion that the annual income of the deceased has to be treated as to be Rs. 40,000/- per annum, based on which, the compensation could be made determinable by applying the standardised formula of Schedule 2 of the Act.

MAJOR ACTIVITIES OF STATE LEGAL SERVICES AUTHORITY
FROM
APRIL 2022 TO JUNE 2022

VISIT OF DLSA OFFICE, HARIDWAR BY THE HON'BLE EXECUTIVE CHAIRMAN, NALSA ON 23.05.2022:

Hon'ble Mr. Justice Uday Umesh Lalit, Hon'ble Executive Chairman, National Legal Services Authority visited District Legal Services Authority Office, Haridwar on 23rd May, 2022. During the visit of the Hon'ble Executive Chairman, NALSA, Member Secretary, NALSA was also present.

The Hon'ble Executive Chairman, NALSA has planted a plant in the premises of the District Legal Services Authority Office, Haridwar. His Lordship addressed the Judicial Officers of the Judgeship and discussed about the Free Legal Aid/Advice services with them. His Lordship was pleased to answer the queries relating to free Legal Aid and Advice Services, raised by the Judicial Officers of the Judgeship.

His Lordship has directed that during his/her tenure of Judicial Service, the Judicial Officers should inspire and encourage the Advocates to involve in Free Legal Aid Services.



INSPECTION OF GOVT. SPECIAL HOME, ROSHNABAD, HARIDWAR BY THE HON'BLE EXECUTIVE CHAIRMAN, NALSA ON 23.05.2022:

The Hon'ble Executive Chairman, National Legal Services Authority inspected/visited the Govt. Special Home, Roshnabad, Haridwar on 23rd May, 2022. His Lordship was pleased to make an interaction with resident children of the said Home. During inspection His Lordship has directed the Officials of the Home to implement/conduct Skill Development Programmes in the said Home, according to the interest of the children.

LEGAL AID CAMP ON 25.05.2022 AT VILLAGE-MANA, DISTRICT-CHAMOLI:

A Multi-purpose Legal Aid Camp was organized on 25.05.2022 at Scouts Ground of Village-Mana (known as last village of India), District-Chamoli under the aegis of National Legal Services Authority by the Uttarakhand State Legal Services Authority in association with District Legal Services Authority, Chamoli.

Hon'ble Mr. Justice Uday Umesh Lalit, Judge, Hon'ble Supreme Court of India/Executive Chairman, National Legal Services Authority graced the occasion in the benign presence of Hon'ble Mr. Justice Sanjaya Kumar Mishra, Hon'ble Executive Chairman, Uttarakhand SLSA, Nainital. Shri Ashok Kumar Jain, Member Secretary, National Legal Services Authority, Shri Puneet Sehgal, Director, National Legal Services Authority, Shri Vivek Bharti Sharma, Registrar General, Hon'ble High Court of Uttarakhand, Shri R.K. Khulbey, Member Secretary, Uttarakhand SLSA, Shri Narendra Dutt, District Judge/Chairman, District Legal Services Authority, Chamoli, Ms. Simranjeet Kaur, Secretary, District Legal Services Authority, Chamoli and Chief Judicial Magistrate, District-Chamoli were present during the occasion. Apart from this, the officer/officials of District Administration and stakeholders of Gopeshwar Bar Council and advocates were also present.

In the said awareness programme, around 750 villagers of the Mana village and nearby villages, including students of G.I.C. Pandukeshwar/Badagaon, Sanskrit College, Joshimath and Saraswati Shishu Mandi, Bamni Badrinath were present.

The students of Sanskrit Mahavidhyalaya chanted the Ved Mantra and conducted Shanti Paath. The students of G.I.C. Pandukeshwar presented the dance ceremony.

Hon'ble Mr. Sanjaya Kumar Mishra, Executive Chairman, Uttarakhand State Legal Services Authority informed the gathering about the functioning and activities of legal services institutions. People were also informed regarding the free legal aid/advice available to them.

Hon'ble Mr. Justice U.U. Lalit, Executive Chairman, National Legal Services Authority informed the gathering about the purpose of constitution of National Legal Services Authority, State Legal Services Authority, District Legal Services Authority and Tehsil Legal Services Committee. People were also informed about the legal services available to them.

During the occasion, Hon'ble Mr. Justice U.U. Lalit and Hon'ble Mr. Justice Sanjay Kumar Mishra also provided pass book relating to disbursement of Rs. 5,000/- under Vatsalya Yojana and Rs. 10,00,000/- under the P.M. Care to one Master Sumit Gadwal, R/o Village Mana who has lost their parents during the Covid-19 pandemic. The wheel chairs, crutches and artificial foot were also provided to the physically handicapped persons in association with Social Welfare Department. The poor people were also benefit by providing blankets.

The stalls were also installed by different Departments, like Animal Husbandry, Silk Development, Agriculture, Zila Sainik Kalyan, Village Development, Medical, Child Development, District Social Welfare, Fisheries, Horticulture, Education, Revenue, Forest, Police etc. so as to provide the legal awareness as well as benefits of welfare schemes being run by the State Government. Total 674 people were benefitted.

In the said multi-purpose camp, the people were provided medicines and free health check-up, pensions, agriculture equipments and benefit of other welfare schemes of State Government.



OBSERVATION OF “WORLD ENVIRONMENT DAY” ON 05.06.2022:

“World Environment Day” was observed on 05.06.2022 by the District Legal Services Authorities throughout the State of Uttarakhand. During the occasion Tree Plantation was conducted by the DLSAs and by the PLVs in their deputed areas. Legal Awareness Camps were also organized on the said occasion. During Legal Awareness Programmes attended people were informed that due to pollution created by the people living on the earth, continues to poison our air, land and water. The aim of the awareness programmes to encourage and made aware the common mass to led their action for protection of the environment as habitat loss and other pressure means an estimated 1 Million species are threatened with extinction. Slogan, Speech, Essay Writing and Painting Competition was organized on the occasion.

**CELEBRATION OF “INTERNATIONAL YOGA DAY” ON 21.06.2022:**

As per directions of National Legal Services Authority, “International Yoga Day” was celebrated on 21st June, 2022 throughout the State of Uttarakhand, by the Legal Services Institutions in the State. As per e-mail dated 17th June, 2022, theme for the International Yoga Day-2022 was “Yoga for Humanity”.

On the occasion District Legal Services Authorities celebrated International Yoga Day-2022 in the District Headquarter on 21.06.2022 at 07:00 AM onwards. The said event was attended by the District Judge/Chairmen and Secretaries of District Legal Services Authorities

including the Judicial Officers and Members of Bar Association of the concerned District including officials of the respective District Legal Services Authorities.

As per the theme of International Yoga Day-2022 i.e. “Yoga for Humanity” the Yoga Instructor deputed from Ayush Department/Ministry has performed yoga as per protocol issued by Ministry of AYUSH.

During the performance of Yoga, the Yoga Instructor has sensitized that the Yoga is maintaining both physical and mental well-being. Each Yogic activity is a key to improving flexibility, strength, balance and attaining harmony. The Yoga Instructor has also made aware the attended persons that during COVID-19 Pandemic, conducting daily Yoga is compulsory. Yoga Instructor described that there are many types of Yoga Asanas.

The Asanas essentially work to lubricate the muscles, joints, ligaments and other part of the body. This helps to increase circulation and flexibility. So, if you have any health condition, you can look for a relevant asana to practice to help take care of the ailment. It was also informed by the Yoga Instructor that doing yoga in our daily life can bring positive changes in our life. It provides a great relief to our stressful life and with Yoga and Meditation, people can get back to their normal health faster.

It is also kindly submitted that the PLVs enrolled with all the District Legal Services Authorities have also celebrated International Yoga Day-2022 as per the theme of Yoga for Humanity.



NATIONAL LOK ADALAT HELD ON 14.05.2022:

During the period National Lok Adalat organized on 14.05.2022. In the said National Lok Adalat, total 7680 cases were referred and out of them total 5732 cases were settled amicably and a sum of Rs. 32,24,95,789/- were finalized as settlement amount.

In the aforesaid National Lok Adalat, total 9446 Pre-Litigation cases were taken-up and out of them 5764 cases were settled amicably and Rs. 10,12,62,985/- were settled as settlement amount.

National Lok Adalat were also organized on 14.05.2022, in the Quasi-Judicial Courts such as DRT (Debt Recovery Tribunal) and Labour Courts and Consumer Courts. Total 169 cases were referred in such Quashi-Judicial Courts and out of them 105 were settled and Rs. 1,30,64,66,699/- were realized as settlement amount.

In the said National Lok Adalat, Grand total 17,295 cases were referred and out of them total 11,601 cases were settled amicably and a sum of Rs. 1,73,02,25,473/- were finalized as settlement amount.



**DETAILS OF DISPOSAL OF CASES IN THE NATIONAL LOK ADALAT HELD ON
14th MAY, 2022 IN THE STATE OF UTTARAKHAND**

S.No	Name of the Courts	No. of cases referred	No. of cases settled	Settlement Amount
1	Hon'ble High Court of Uttarakhand	308	24	1,85,86,376
2	Almora	110	68	69,70,603
3	Bageshwar	110	100	23,74,270
4	Chamoli	86	49	1,65,02,699
5	Champawat	152	51	30,61,434
6	Dehradun	1354	976	3,73,53,635
7	Haridwar	2117	1822	2,66,79,118
8	Nainital	605	475	2,62,41,229
9	Pauri Garhwal	313	300	1,36,15,338
10	Pithoragarh	175	134	45,73,562
11	Rudraprayag	72	62	61,91,500
12	Tehri Garhwal	226	170	2,52,78,789
13	Udham Singh Nagar	1861	1330	13,21,35,736
14	Uttarkashi	191	171	29,31,500
	TOTAL:-	7680	5732	32,24,95,789
15	Pre-Litigation Cases	9446	5764	10,12,62,985
	TOTAL:-	17,126	11,496	42,37,58,774
16	Debts Recovery Tribunal	58	56	1,30,00,00,000
17	Consumer Courts	92	36	34,85,841
18	Labour Courts	19	13	29,80,858
	TOTAL:-	169	105	1,30,64,66,699
	GRAND TOTAL :-	17,295	11,601	1,73,02,25,473

JAIL SAMIKSHA DIWAS (जेलसमीक्षा दिवस):

In order to strengthen Jail Legal Aid Clinics and Prisoners Focused Legal Services, Hon'ble the Executive Chairman, UKSLSA, Nainital has been pleased to direct all the District Legal Services Authorities to organize "Jail Samiksha Diwas" inside District/Sub-Jails and at Legal Aid Clinics/Judicial Lock-up on every Wednesday of the week. The Secretaries of DLSAs along with Panel Lawyers and PLVs visited District/Sub-Jails/Judicial Lock-ups and made interaction with jail inmates during the programme. The necessary legal aid has been provided to the Jail Inmates by the Jail visiting Panel Lawyers and Secretaries of the DLSAs. Legal Awareness Programmes have also been organized during the Jail Samiksha Diwas to make aware the jail inmates about their legal rights and other relating Rules and Provision relating to them.

REFRESHER TRAINING FOR SJPU/JJB/CWC, JUDICIAL OFFICERS, IN-CHARGE JUVENILE/OBSERVATION/SPECIAL HOMES/PLACE OF SAFETY:

In order to make aware the Special Juvenile Police Units; Juvenile Justice Board Members, Judicial Officers, In-charge Juvenile/Observation/Special Homes/Place of Safety including all stakeholders about the NALSA Schemes, District Legal Services Authorities organized Special Training Programme for SJPU/JJB/CWC, Judicial Officers, Members In-Charge Juvenile/ Observation/ Special Homes/Place of Safety.



A Multi-Purpose Legal Services Camp was organized as per NALSA New Module Camp at Block Nandnagar, Ghat, Chamoli, on 30.04.2022 in collaboration with Govt. Departments.



DLSA Pauri Garhwal organize a New Module Multi-Purpose Camp on 30.04.2022 at Govt. Girls Inter College, Ekeshwar Pauri Garhwal. Attended people were informed about NALSA (Child Friendly Legal Services to Children and their Protection) Scheme, 2015 and “Early Access to Justice at Pre-arrest, Arrest and Remand Stage and Victim of Crime against women.

Multi-Purpose Legal Awareness Camp was organized as per NALSA New Module Camp on 24.04.2022 by the DLSA Tehri Garhwal. The attended persons were highlighted on the subject- Women and Child Rights, MV Act, Mediation Mechanism, Child Labour, Dowry Act, Domestic Violence Act and Labour Act etc.

**STATUS OF FULL TIME SECRETARIES/TLSC/PLVS/PANEL
LAWYERS/RETAINER LAWYERS/MEDIATORS/LEGAL AID CLINICS/FRONT
OFFICE/MEDIATION CENTERS**

NAME OF DLSA	No. of Full Time Secretary	No. of TLSCs Constituted	No. of Panel Lawyers	No. of Retainer Lawyers	No. of trained PLVs	No. of Legal Aid Clinics	No. of Front Offices	No. Mediation Centers	No. of Mediators
ALMORA	01	03	13	01	91	34	01	01	04
BAGESHWAR	01	01	05	01	51	36	01	01	03
CHAMOLI	01	05	07	01	36	09	01	01	02
CHAMPAWAT	01	01	11	01	59	11	01	01	03
DEHRADUN	-	04	48	01	78	55	01	02	15
HARIDWAR	01	02	44	01	52	34	01	03	22
NAINITAL	-	02	37	01	77	08	01	02	05
PAURI GARHWAL	01	04	47	01	35	26	01	02	05
PITHORAGARH	01	04	13	01	29	03	01	01	04
RUDRAPRAYAG	01	01	07	01	46	33	01	01	01
TEHRI GARHWAL	01	02	26	01	19	14	01	01	03
U. S. NAGAR	-	05	51	01	85	24	01	03	11
UTTARKASHI	01	02	17	01	60	19	01	01	05
HCLSC	-	-	24	01	-	-	01	01	09
TOTAL	10	36	350	14	718	306	14	21	91

STATISTICAL INFORMATION**STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN
THE STATE OF UTTARAKHAND
DURING THE PERIOD FROM APRIL 2022 TO JUNE 2022**

S. No.	Name of District	Total No. of Lok Adalats Held	Total No. of Cases Taken up	Total No. of Cases Disposed off	Compensation/Settlement Amount	Realized As Fine (in Rs.)	Total No. of Persons Benefited in Lok Adalat
01	ALMORA	04	398	213	69,70,603	6,06,820	213
02	BAGESHWER	03	249	112	23,74,270	53,500	112
03	CHAMOLI	04	249	109	1,65,02,699	5,79,800	109
04	CHAMPAWAT	04	499	104	30,61,434	13,900	104
05	DEHRADUN	04	7090	3826	3,77,33,635	11,43,245	3843
06	HARDWAR	04	3826	2418	2,66,79,118	4,27,800	2418
07	NAINITAL	04	4098	2140	2,62,53,229	31,79,492	2140
08	PAURI GARHWAL	03	519	470	1,53,21,964	2,21,400	470
09	PITHORAGARH	04	1401	219	45,73,562	1,83,185	219
10	RUDRAPARYAG	03	102	68	61,91,500	29,300	68
11	TEHRI GARHWAL	04	1703	582	2,52,78,789	19,94,550	582
12	UDHAM SINGH NAGAR	04	4239	1880	13,45,82,686	28,32,385	1880
13	UTTARKASHI	03	317	219	32,29,230	1,68,900	219
14	HCSLC, NAINITAL	01	308	24	1,85,86,376	-	24
15	UKSLSA,NTL	-	-	-	-	-	-
	TOTAL :-	49	24998	12384	32,73,39,095	1,14,34,277	12401
16	CONSUMER COURTS	08	92	36	3485841	-	36
17.	LABOUR COURTS	04	19	13	29,80,858	-	13
18.	D.R.T. DEHRADUN	01	58	56	1,30,00,00,000	-	56
	TOTAL :-	13	169	105	1,30,64,66,699	-	105
	GRAND TOTAL:-	62	25167	12489	1,63,38,05,794	1,14,34,227	12506

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED IN
THE STATE OF UTTARAKHAND
FOR THE
PERIOD FROM APRIL 2022 TO JUNE 2022**

S. No.	Name of District	No. of Camps Organized	Total No. of Persons Benefited in Camps
01	ALMORA	344	12821
02	BAGESHWER	70	2709
03	CHAMOLI	124	8234
04	CHAMPAWAT	322	13253
05	DEHRADUN	58	2277
06	HARDWAR	120	6979
07	NAINITAL	60	2358
08	PAURI GARHWAL	16	1518
09	PITHORAGARH	241	9998
10	RUDRAPARYAG	97	4870
11	TEHRI GARHWAL	150	4343
12	UDHAM SINGH NAGAR	73	4002
13	UTTARKASHI	159	4109
14	HCLSC, NAINITAL	-	-
15	UKSLSA, NAINITAL	-	-
	Total	1834	77471
16	CONSUMER COURTS	-	-
17	LABOUR COURTS	-	-
18	D.R.T. DEHRADUN		
	TOTAL :-	-	-
	GRAND TOTAL:-	1834	77471

**STATEMENT SHOWING THE PROGRESS OF LEGAL AID AND
ADVICE/COUNSELING PROVIDED IN THE STATE OF UTTARAKHAND
FOR THE PERIOD FROM APRIL 2022 TO JUNE 2022**

S. No.	Name of District	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	50	18
02	BAGESHWER	12	18
03	CHAMOLI	07	52
04	CHAMPAWAT	08	-
05	DEHRADUN	170	-
06	HARDWAR	121	01
07	NAINITAL	62	17
08	PAURI GARHWAL	18	13
09	PITHORAGARH	12	02
10	RUDRAPARYAG	13	09
11	TEHRI GARHWAL	29	04
12	UDHAM SINGH NAGAR	89	33
13	UTTARKASHI	20	-
14	HCLSC, NAINITAL	40	-
15	U.K. S.L.S.A., N.T.L.	-	26
	TOTAL	651	193
16	CONSUMER COURTS	-	-
17	LABOUR COURTS	-	-
18	D.R.T. DEHRADUN		
	TOTAL :-	-	-
	GRAND TOTAL:-	651	193

PROGRAMMES/ACTIVITIES INSIDE JAIL CAMPUS DURING
(APRIL-2022 TO JUNE-2022)

S.N.	District	Lok Adalats organized in Jails		Legal Camps organized in Jails		Literacy Benefited persons	Legal provided Under Prisoners	Aid to Trial	Jail Visits
		No. of Lok Adalats organized	No. of cases disposed off	No. of camps organized	No. of benefited Under Prisoners				
1	ALMORA	03	03	15	1236	15	11		
2	BAGESHWAR	-	-	02	169	06	02		
3	CHAMOLI	01	01	12	1652	02	11		
4	CHAMPAWAT	-	-	06	246	06	06		
5	DEHRADUN	02	18	-	-	31	05		
6	HARDWAR	05	83	07	2026	95	04		
7	NAINITAL	-	-	01	32	38	01		
8	PAURI GARHWAL	-	-	02	373	05	10		
9	PITHORAGARH	-	-	09	530	04	02		
10	RUDRAPRAYAG	-	-	09	275	08	-		
11	TEHRI GARHWAL	03	06	11	1319	18	11		
12	U.S. NAGAR	02	27	01	45	60	01		
13	UTTARKASHI	-	-	02	224	08	02		
14	H.C.L.S.C. NTL	-	-	-	-	17	-		
	TOTAL :-	16	138	77	8127	313	66		

STATISTICAL INFORMATION IN RESPECT OF PERMANENT LOK ADALATS

(Established U/S 22B of Legal Services Authority Act)

(APRIL-2022 TO JUNE-2022)

- (i) No. of PLAs existing :- 07 (Almora, Dehradun, Hardwar, Nainital, Pauri Garhwal, Tehri Garhwal and U. S. Nagar)
(ii) Total No. of PLAs functioning :- 04 (Dehradun, Hardwar, Nainital and U.S. Nagar)

S.N.	Permanent Lok Adalats	Number of Sitzings	No. of cases pending as on 31.03.2022	No. of cases received during the Period	No. of cases settled during the Period	Total Value/Amount of Settlement (Rs)
1	Dehradun	66	170	293	40	1,72,39,845
2	Haridwar	26	49	14	08	-
3	Nainital	28	160	15	04	-
4	Udham Singh Nagar	40	138	91	121	5,00,000
	Total:	160	517	413	173	1,77,39,845

**STATISTICAL INFORMATION IN RESPECT OF CASES SETTLED THROUGH
MEDIATION**

(APRIL-2022 TO JUNE-2022)

(A) Total Number of ADRCentres :	04
(B) Total No of Existing Mediation Centres other than ADR Centres :	16
(C) Number of Mediators (Total of both in ADR Centres and Mediation Centres) :	91

DISPOSAL

S.N.	DESCRIPTION	TOTAL
A	No. of cases received during the month	183
B	Cases settled through Mediation	35
C	Cases returned as not settled	257
D	Non-starter cases which were returned as mediation could not commenced	14
E	No. of Connected cases	05
F	No. of Cases pending at the end of the month	104

STATISTICAL INFORMATION IN RESPECT OF VICTIM COMPENSATION

SCHEME U/S 357A Cr.P.C.

(APRIL-2022 TO JUNE-2022)

No. of applications received directly by Legal Services Institutions (A)	No. of applications/orders marked/directed by any Court (B)	Total No. of applications received including Court orders (A+B)	No. of applications decided	No. of applications pending	Total Compensation Amount (Rs.)
50	22	72	15	132	58,55,000

TRAINING PROGRAMMES HELD IN THE PERIOD OF
APRIL 2022 TO JUNE 2022
AT
UTTARAKHAND JUDICIAL AND LEGAL ACADEMY,
BHOWALI, NAINITAL

S. No.	Name of Training Programmes/ Workshops	Duration
1.	Three days Refresher Training Programme for Civil Judges (Sr. Div.) and Civil Judges (Jr. Div.) on recent developments in Civil Laws including Execution, Prescribed Authority and Local Acts (Ist Phase)	04.04.2022 to 06.04.2022 (Three days)
2.	Programme for Court Managers & Administrative Head Staffs of District Judiciary (Ist phase) (Virtual Mode)	23.04.2022 (One day)
3.	Three days Refresher Training Programme for Civil Judges (Sr. Div.) and Civil Judges (Jr. Div.) on recent developments in Civil Laws including Execution, Prescribed Authority and Local Acts (IInd Phase)	25.04.2022 to 27.04.2022 (Three days)
4.	One day Training Programme on Gender Sensitization (Virtual Mode)	28.04.2022 (One day)
5.	Programme for Technical staffs of District Courts Hardware & Software maintenance, Data Replication, Data monitoring, VC equipment, Lan connections, etc. (Virtual Mode)	30.04.2022 (One day)
6.	Three days Refresher Training Programme on emerging trends and recent developments in Criminal Laws including Local & Special Acts for CJM's/Judicial Magistrates (Ist Phase)	04.05.2022 to 06.05.2022 (Three days)
7.	Special Training Programme to sensitize the Judicial Officers manning POCSO/FTSC (POCSO) Courts across the State	08.05.2022 (One day)
8.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2019 Batch (IInd phase of Institutional Training)	16.01.2022 to 15.05.2022 (Four months)
9.	Three days Refresher Training Programme on emerging trends and recent developments in Criminal Laws including Local & Special Acts for CJM's/Judicial Magistrates (IInd Phase)	18.05.2022 to 20.05.2022 (Three days)

10.	Programme for Court Managers & Administrative Head Staffs of District Judiciary (IInd phase)(Virtual Mode)	21.05.2022 (One day)
11.	Refresher programme for Court Staffs & N step Training (Ist phase) (Virtual Mode)	28.05.2022 (One day)
12.	One Week Institutional Training Programme for Newly Recruited Personnel of the Establishment of High Court of Uttarakhand	30.05.2022 To 04.06.2022 (One week)
13.	Three days Refresher Training Programme for Civil Judges (Sr. Div.) and Civil Judges (Jr. Div.) on recent developments in Civil Laws including Execution, Prescribed Authority and Local Acts (IIIrd Phase)	01.06.2022 to 03.06.2022 (Three days)
14.	Three days Refresher Training Programme on emerging trends and recent developments in Criminal Laws including Local & Special Acts for CJM's/Judicial Magistrates (IIIrd Phase)	15.06.2022 to 17.06.2022 (Three days)
15.	Refresher programme for Court Staffs & N step Training (IInd phase) (Virtual Mode)	18.06.2022 (One day)
16.	Foundation Training Programme for Promoted Judicial Officers in H.J.S. cadre	20.06.2022 to 19.07.2022 (One month)
17.	Workshop on issues relating to Juvenile Justice under the Juvenile Justice (Care & Protection of Children) Act, 2000 & Rules for Principal Magistrates, Juvenile Justice Boards posted in the various districts of State	22.06.2022 (One day)
18.	Workshop on 'Negotiable Instruments Act, 1881 for CJM's/Judicial Magistrates (Ist phase)	24.06.2022 (One day)
19.	Refresher programme for Court Staffs (Ist Phase)(Virtual Mode)	25.06.2022 (One day)
20.	Workshop on issues relating to Juvenile Justice under the Juvenile Justice (Care & Protection of Children) Act, 2015 & Rules for Principal Magistrates, Juvenile Justice Boards posted in the various Districts of State	27.06.2022 (One day)
21.	Workshop on 'Negotiable Instruments Act, 1881 for CJM's /Judicial Magistrates (IInd phase)	29.06.2022 (One day)



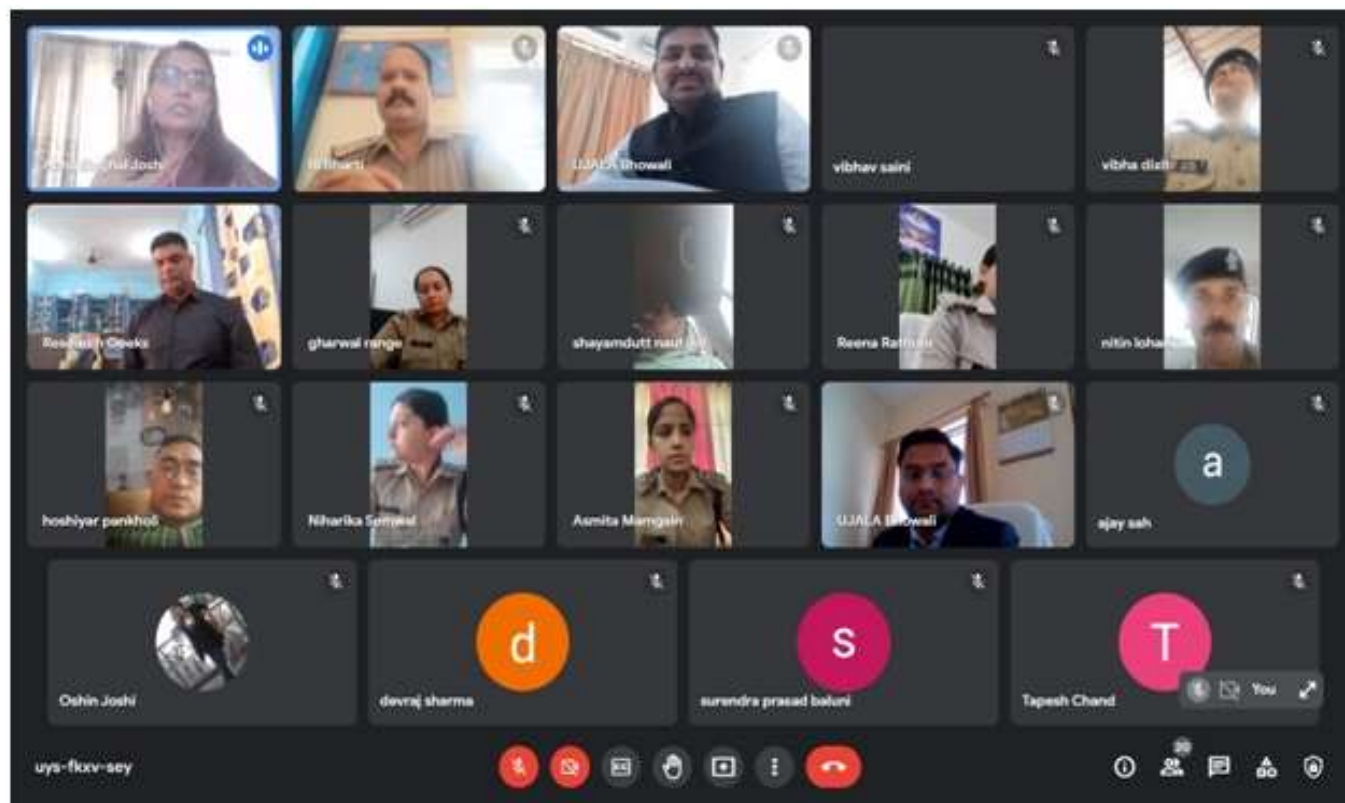
Three days Refresher Training Programme for Civil Judges (Sr. Div.) and Civil Judges (Jr. Div.) on recent developments in Civil Laws including Execution, Prescribed Authority and Local Acts (Ist Phase) during the period from 04.04.2022 to 06.04.2022



Programme for Court Managers & Administrative Head Staff of District Judiciary (Ist phase) (Virtual Mode) held on 23.04.2022



Three days Refresher Training Programme for Civil Judges (Sr. Div.) and Civil Judges (Jr. Div.) on recent developments in Civil Laws including Execution, Prescribed Authority and Local Acts (IInd Phase) during the period from 25.04.2022 to 27.04.2022.



One day Training Programme on Gender Sensitization(Virtual Mode) held on 28.04.2022



Programme for Technical Staffs of District Courts Hardware & Software maintenance, Data Replication, Data monitoring, VC equipment, Lan connections, etc. (Virtual Mode) held on 30.04.2022



Three days Refresher Training Programme on emerging trends and recent developments in Criminal Laws including Local & Special Acts for CJM's/Judicial Magistrates (Ist Phase) during the period from 04.05.2022 to 06.05.2022



Special Training Programme to sensitize the Judicial Officers manning POCSO/FTSC (POCSO) Courts across the State held on 08.05.2022.



Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2019 Batch (IInd phase of Institutional Training) during the period from 16.01.2022 to 15.05.2022



Three days Refresher Training Programme on emerging trends and recent developments in Criminal Laws including Local & Special Acts for CJM's/Judicial Magistrates (IInd Phase) during the period from 18.05.2022 to 20.05.2022



Programme for Court Managers & Administrative Head Staffs of District Judiciary (IInd phase) (Virtual Mode) held on 21.05.2022



Refresher programme for Court Staffs & N step Training (Ist phase) (Virtual Mode) held on 28.05.2022



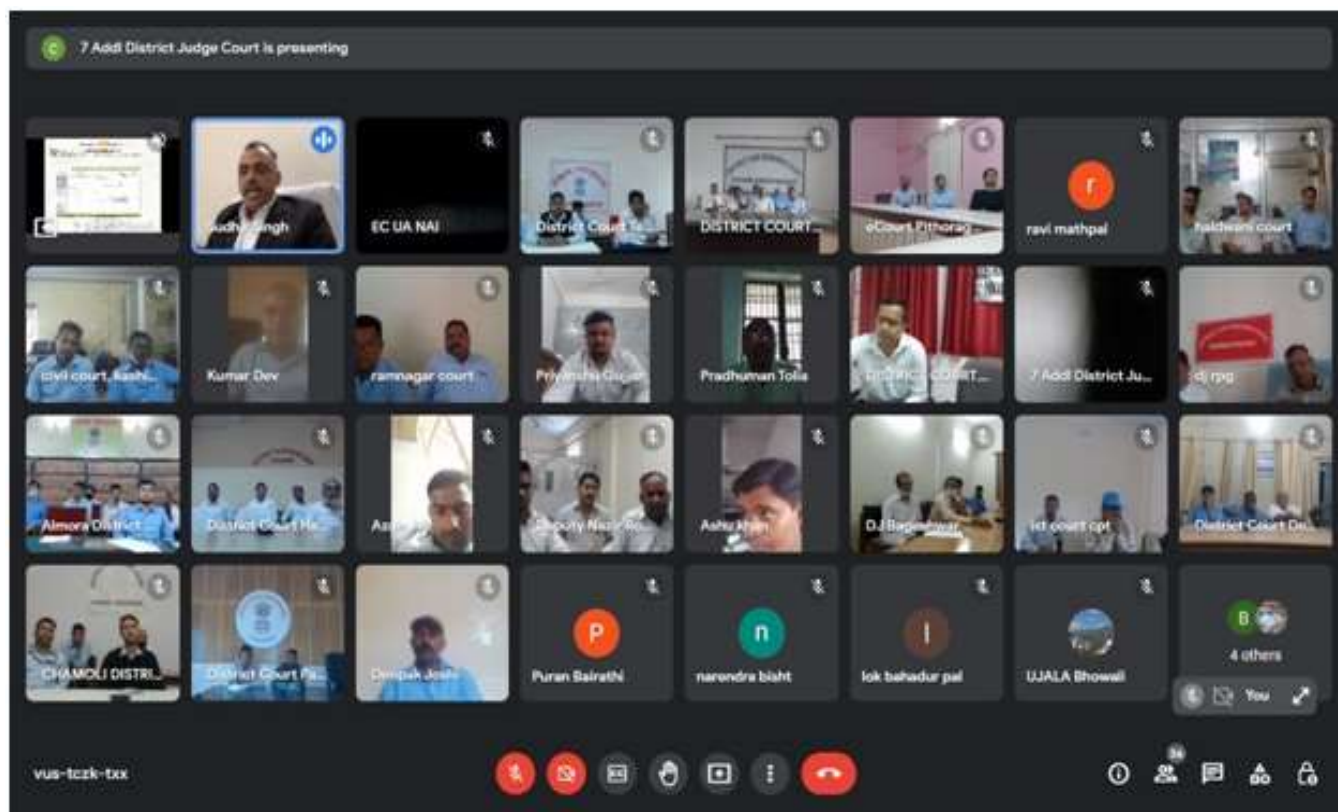
One Week Institutional Training Programme for Newly Recruited Personnel of the Establishment of High Court of Uttarakhand during the period from 30.05.2022 to 04.06.2022



Three days Refresher Training Programme for Civil Judges (Sr. Div.) and Civil Judges (Jr. Div.) on recent developments in Civil Laws including Execution, Prescribed Authority and Local Acts (IIIrd Phase) during the period from 01.06.2022 to 03.06.2022



Three days Refresher Training Programme on emerging trends and recent developments in Criminal Laws including Local & Special Acts for CJM's/Judicial Magistrates (IIIrd Phase) during the period from 15.06.2022 to 17.06.2022



Refresher programme for Court Staffs & N step Training (IInd phase) (Virtual Mode) held on 18.06.2022



Foundation Training Programme for Promoted Judicial officers in H.J.S. cadre during the period from 20.06.2022 to 19.07.2022



Workshop on issues relating to Juvenile Justice under the Juvenile Justice (Care & Protection of Children) Act, 2015 & Rules for Principal Magistrates, Juvenile Justice Boards posted in the various Districts of State held on 22.06.2022.



Workshop on 'Negotiable Instruments Act, 1881 for CJM's/Judicial Magistrates (Ist phase) held on 24.06.2022.



Refresher programme for Court Staffs (Ist Phase)(Virtual Mode) held on 25.06.2022



Workshop on issues relating to Juvenile Justice under the Juvenile Justice (Care & Protection of Children) Act, 2015 & Rules for Principal Magistrates, Juvenile Justice Boards posted in the various Districts of State held on 27.06.2022



Workshop on 'Negotiable Instruments Act, 1881 for CJM's/Judicial Magistrates (IInd phase) held on 29.06.2022

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**HIGH COURT OF UTTARAKHAND****(From 01.04.2022 to 30.06.2022)**

						Pendency (As on 01.04.2022)		
						Civil Cases	Criminal Cases	Total Pendency
						24370	17090	41460
Institution (01.04.2022 to 30.06.2022)			Disposal (01.04.2022 to 30.06.2022)			Pendency (As on 30.06.2022)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.2022
2512	2790	5302	2179	2148	4327	24703	17732	42435

DISTRICT COURTS**(From 01.04.2022 to 30.06.2022)**

SL · No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.2022
		Opening Balance as on 01.04.22	Institution from 01.04.22 to 30.06.22	Disposal from 01.04.22 to 30.06.22	Pendency at the end of 30.06.22	Opening Balance as on 01.04.22	Institutio n from 01.04.22 to 30.06.22	Disposal from 01.04.22 to 30.06.22	Pendency at the end of 30.06.22	
1.	Almora	472	145	153	464	1701	1796	1712	1785	2249
2.	Bageshwar	188	66	83	171	616	394	367	643	814
3.	Chamoli	360	95	88	367	1051	687	598	1140	1507
4.	Champawat	245	60	63	242	1919	2064	1274	2709	2951
5.	Dehradun	11784	2146	2158	11772	100212	24400	21467	103145	114917
6.	Haridwar	12013	1111	1179	11945	69226	17300	15624	70902	82847
7.	Nainital	2975	2901	1793	4083	22541	4538	5022	22057	26140
8.	Pauri Garhwal	1175	274	259	1190	5548	1892	1578	5862	7052
9.	Pithoragarh	518	152	120	550	2323	2201	2109	2415	2965
10.	Rudraprayag	105	48	42	111	784	301	370	715	826
11.	Tehri Garhwal	478	121	163	436	2906	1499	1605	2800	3236
12.	Udham Singh Nagar	6002	808	715	6095	56473	11316	6115	61674	67769
13.	Uttarkashi	694	94	109	679	2219	1108	926	2401	3080
	Total	37009	8021	6925	38105	267519	69496	58767	278248	316353

FAMILY COURTS
(From 01.04.2022 to 30.06.2022)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.2022
		Opening Balance as on 01.04.22	Institution from 01.04.22 to 30.06.22	Disposal from 01.04.22 to 30.06.22	Pendency at the end of 30.06.22	Opening Balance as on 01.04.22	Institution from 01.04.22 to 30.06.22	Disposal from 01.04.22 to 30.06.22	Pendency at the end of 30.06.2022	
1.	Almora	142	51	44	149	139	37	24	152	301
2.	Dehradun (Pr. J.F.C)	669	508	516	661	291	208	193	306	967
3	Dehradun (J.F.C)	652	122	178	596	510	62	131	441	1037
4.	Dehradun (Addl.J.F.C)	598	126	117	607	476	72	122	426	1033
5.	Rishikesh	335	66	115	286	258	35	64	229	515
6.	Vikasnagar	217	64	100	181	314	63	71	306	487
7.	Nainital	258	71	48	281	366	67	22	411	692
8.	Haldwani	563	98	126	535	930	119	119	930	1465
9.	Haridwar	1150	171	222	1099	1349	190	307	1232	2331
10.	Roorkee	1090	121	52	1159	1230	128	39	1319	2478
11.	Laksar	157	46	50	153	203	63	46	220	373
12.	Kotdwar	253	47	60	240	418	86	65	439	679
13.	Pauri Garhwal	95	51	52	94	93	49	55	87	181
14.	Tehri Garhwal	96	52	67	81	71	27	32	66	147
15.	Rudrapur-1 U.S.Nagar	499	107	157	449	583	92	107	568	1017
16.	Rudrapur-2	202	39	62	179	172	22	22	172	351
17.	Kashipur	738	95	184	649	648	107	197	558	1207
18.	Khatima	390	114	146	358	424	67	82	409	767
	Total	8104	1949	2296	7757	8475	1494	1698	8271	16028

TRANSFER AND PROMOTION OF THE JUDICIAL OFFICERS

Sl. No.	Name & Designation of the Officer	Place of Transfer	Date of Order
1.	Shri Vivek Bharti Sharma, District & Sessions Judge, Haridwar.	Registrar General, High Court of Uttarakhand, Nainital.	04.04.2022
2.	Shri Ashish Naithani, Presiding Officer, Labour Court, Haridwar.	District & Sessions Judge, Pauri Garhwal.	04.04.2022
3.	Shri Sikand Kumar Tyagi, District & Sessions Judge, Pauri Garhwal.	District & Sessions Judge, Haridwar.	04.04.2022
4.	Shri Sahdev Singh, 1 st Additional District & Sessions Judge, Haridwar.	1 st Additional District & Sessions Judge, Haldwani, District- Nainital.	04.04.2022
5.	Shri Shanker Raj, 1 st Additional District & Sessions Judge, Dehradun.	Additional District & Sessions Judge, Laksar, District Haridwar.	04.04.2022
6.	Shri Dharam Singh, 1 st Additional District & Sessions Judge, Rishikesh, District Dehradun.	Additional District & Sessions Judge, Khatima, District Udham Singh Nagar.	04.04.2022
7.	Shri Ajay Chaudhary, Judge, Family Court, Vikasnagar, District Dehradun.	1 st Additional District & Sessions Judge, Nainital.	04.04.2022
8.	Shri Pankaj Tomar, Judge, Family Court, Haldwani, District Nainital.	Additional District & Sessions Judge, Bageshwar.	04.04.2022
9.	Shri Rahul Garg, Judge, Family Court, Kashipur, District Udham Singh Nagar.	Additional District & Sessions Judge, Vikasnagar, District Dehradun.	04.04.2022
10.	Shri Sayan Singh, Additional Secretary (Law)-cum- Additional L.R., Government of Uttarakhand, Dehradun.	Additional District & Sessions Judge, Ramnagar, District Nainital.	04.04.2022

11.	Ms. Neelam Ratra, Additional District & Sessions Judge, Laksar, District Haridwar.	2 nd Additional District & Sessions Judge, Haldwani, District Nainital.	04.04.2022
12.	Ms. Pritu Sharma, 1 st Additional District & Sessions Judge, Nainital.	2 nd Additional District & Sessions Judge, Nainital.	04.04.2022
13.	Shri Nasim Ahmad, 2 nd Additional District & Sessions Judge, Haldwani, District Nainital.	1 st Additional District & Sessions Judge, Rishikesh, District Dehradun.	04.04.2022
14.	Shri Sanjeev Kumar, 3 rd Additional District & Sessions Judge, Haridwar.	1 st Additional District & Sessions Judge, Haridwar.	04.04.2022
15.	Shri Anirudh Bhatt, 4 th Additional District & Sessions Judge, Haridwar.	3 rd Additional District & Sessions Judge, Haridwar.	04.04.2022
16.	Shri Ritesh Kumar Srivastava, 5 th Additional District & Sessions Judge, Haridwar.	4 th Additional District & Sessions Judge, Haridwar.	04.04.2022
17.	Shri Seash Chandra, Judge, Family Court, Tehri Garhwal	5 th Additional District & Session Judge, Haridwar.	04.04.2022
18.	Shri Vikram, 2 nd Additional District & Sessions Judge, Roorkee, District Haridwar.	1 st Additional District & Sessions Judge, Roorkee, District Haridwar.	04.04.2022
19.	Shri Ramesh Singh, Additional Chief Judicial Magistrate (ACJM), Haldwani, District Nainital.	Chief Judicial Magistrate, Nainital.	04.04.2022
20.	Shri Arun Vohra, Additional Chief Judicial Magistrate (ACJM), Haridwar.	Chief Judicial Magistrate, Champawat.	04.04.2022
21.	Ms. Gunjan Singh, Additional Judge, Family Court, Roorkee, District Haridwar.	Civil Judge (Sr. Div.), Bageshwar.	04.04.2022
22.	Shri Mohammad Yusuf, Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	Chief Judicial Magistrate, Udham Singh Nagar.	04.04.2022

23.	Shri Bhavdeep Ravtey, Chief Judicial Magistrate, Almora.	Civil Judge (Sr. Div.), Rishikesh, District Dehradun.	04.04.2022
24.	Ms. Rinky Sahni, Civil Judge (Sr. Div.), Almora	Chief Judicial Magistrate, Almora.	04.04.2022
25	Ms. Shivani Pasbola, Chief Judicial Magistrate, Champawat.	Civil Judge (Sr. Div.), Champawat.	04.04.2022
26	Shri Rajeev Dhawan, Additional Civil Judge (Sr. Div.), Roorkee, District Haridwar.	Civil Judge (Sr. Div.), Roorkee, District Haridwar.	04.04.2022
27	Ms. Chhavi Bansal, 1 st Additional Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	Civil Judge (Sr. Div.), Karnprayag, District Chamoli.	04.04.2022
28	Shri Sandip Kumar Tiwari, Secretary, District Legal Services Authority, Pauri Garhwal.	Principal Magistrate (1 st Class), Juvenile Justice Board, Dehradun.	04.04.2022
29	Ms. Sweta Pandey, Joint Secretary (Law)-cum-Joint L.R. Government of Uttarakhand, Dehradun.	Civil Judge (Sr. Div.), Rudraprayag.	04.04.2022
30	Ms. Shweta Rana Chauhan, Joint Registrar (Judicial & Admin.), Uttarakhand Public Service Tribunal, Dehradun.	Civil Judge (Sr. Div.), Uttarkashi.	04.04.2022
31	Ms. Tricha Rawat, Secretary, District Legal Services Authority, Bageshwar.	Additional Civil Judge (Sr. Div.), Roorkee, District Haridwar.	04.04.2022
32	Shri Sanjeev Kumar, 2 nd Additional Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	Chief Judicial Magistrate, Uttarkashi.	04.04.2022
33	Shri Sandeep Singh Bhandari, Principal Magistrate (1 st Class), Juvenile Justice Board, Haridwar.	Civil Judge (Sr. Div.), Almora.	04.04.2022

34	Ms. Neha Qayyum, 3 rd Additional Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	Civil Judge (Sr. Div.), Pauri Garhwal.	04.04.2022
35	Ms. Nazish Kaleem, Civil Judge (Sr. Div.), Champawat.	Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	04.04.2022
36	Ms. Rashmi Goyal, Civil Judge (Sr. Div.), Pithoragarh.	1 st Additional Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	04.04.2022
37	Shri Akhilesh Kumar Pandey, Civil Judge (Sr. Div.), Karnprayag, District Chamoli.	Additional Chief Judicial Magistrate (ACJM), Haldwani, District Nainital.	04.04.2022
38	Shri Imran Mohammad Khan, Secretary, District Legal Services Authority, Nainital.	Additional Chief Judicial Magistrate (ACJM), Roorkee, District Haridwar.	04.04.2022
39	Shri Sachin Kumar Pathak, Civil Judge (Sr. Div.), Rudraprayag.	2 nd Additional Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	04.04.2022
40	Ms. Durga, Secretary, District Legal Services Authority, Uttarkashi.	Civil Judge (Sr. Div.), Khatima, District Udham Singh Nagar.	04.04.2022
41	Shri Puneet Kumar, Principal Magistrate (1 st Class), Juvenile Justice Board, Dehradun.	Civil Judge (Sr. Div.), Nainital.	04.04.2022
42	Shri Alok Ram Tripathi, 5 th Additional Civil Judge (Sr. Div.), Rudrapur, District Udham Singh Nagar.	Principal Magistrate 1 st Class, Juvenile Justice Board, Udham Singh Nagar.	04.04.2022
43	Ms. Bushra Kamal, Civil Judge (Jr. Div.), Nainital.	Judicial Magistrate-I, Roorkee, District Haridwar.	04.04.2022
44	Ms. Poonam Todi, Judicial Magistrate-I, Roorkee, District Haridwar.	Civil Judge (Jr. Div.), Pithoragarh.	04.04.2022
45	Shri Shalender Kumar Yadav, Judicial Magistrate-II, Haldwani, District Nainital.	Civil Judge (Jr. Div.), Kirtinagar, District Tehri Garhwal.	04.04.2022

46	Ms. Chairab Batra, Civil Judge (Jr. Div.), Jaspur, District Udham Singh Nagar.	Judicial Magistrate, Uttarkashi.	04.04.2022
47	Ms. Karishma Dangwal, Civil Judge (Jr. Div.), Almora.	1 st Additional Civil Judge (Jr. Div.), Kashipur, District Udham Singh Nagar.	04.04.2022
48	Ms. Tanuja Kashyap, 1 st Additional Civil Judge (Jr. Div.), Kashipur, District Udham Singh Nagar.	Civil Judge (Jr. Div.), Nainital.	04.04.2022
49	Shri Manoj Singh Rana, Civil Judge (Jr. Div.), Kirtinagar, District Tehri Garhwal.	Civil Judge (Jr. Div.), Jaspur, District Udham Singh Nagar.	04.04.2022
50	Ms. Jasmeet Kaur, 1 st Additional Civil Judge (Jr. Div.), Haldwani, District Nainital.	Judicial Magistrate-II, Roorkee, District Haridwar.	04.04.2022
51	Ms. Shubhangi Gupta, Judicial Magistrate, Uttarkashi.	Civil Judge (Jr. Div.), Almora.	04.04.2022
52	Shri Ravi Arora, Civil Judge (Jr. Div.), Pratapnagar, District Tehri Garhwal.	Judicial Magistrate, Almora.	04.04.2022
53	Shri Vivek Bharti Sharma, District & Sessions Judge, Haridwar is attached with High Court of Uttarakhand, Nainital as Officer on Special Duty (OSD).	However, he will not hand over the charge of the office of District & Sessions Judge, Haridwar before 15.04.2022.	04.04.2022
54	Shri Arvind Kumar, Registrar, State Consumer Dispute Redressal, Commission, Uttarakhand is attached with High Court of Uttarakhand, Nainital as Officer on Special Duty (OSD).	However he will not hand over the charge of his present assignment till further orders.	04.04.2022
55.	Shri Brijendra Singh, 2 nd Additional District & Sessions Judge, Dehradun.	1 st Additional District & Sessions Judge, Dehradun. He will continue the earlier assigned additional charge of the Presiding Officer, Food Safety	11.05.2022

		Appellate Tribunal, Dehradun.	
56.	Shri Arvind Kumar, Registrar, State Consumer Disputes Redressal Commission, Dehradun. (Presently attached with Hon'ble High Court as Officer on Special Duty).	Registrar (Judicial), High Court of Uttarakhand, Nainital.	11.05.2022
57.	Shri Manoj Garbyal, 3 rd Additional District & Sessions Judge, Dehradun.	2 nd Additional District & Sessions Judge, Dehradun.	11.05.2022
58.	Shri Chandramani, 4 th Additional District & Sessions Judge, Dehradun.	3 rd Additional District & Sessions Judge, Dehradun. He will continue the earlier assigned additional charge of the Judge of Special Court, constituted u/s 5(1) of "U.P. Gangsters & Anti Social Activities (Prevention) Act, 1996 at Dehradun.	11.05.2022
59.	Shri Ashutosh Kumar Mishra, 5 th Additional District & Sessions Judge, Dehradun.	4 th Additional District & Sessions Judge, Dehradun. He will continue the earlier assigned additional charge of Member, Commercial Tax Tribunal, Uttarakhand, Dehradun, under "VAT Act".	11.05.2022
60.	Shri Dharmendra Singh Adhikari, Registrar (Judicial), High Court of Uttarakhand, Nainital.	5 th Additional District & Sessions Judge, Dehradun.	11.05.2022
61.	Shri Avinash Kumar Srivastava, Secretary, District Legal Services Authority (DLSA), Tehri Garhwal.	Additional Civil Judge (Sr. Div.), Tehri Garhwal.	11.05.2022
62.	Ms. Neha Kushawaha , Secretary, District Legal Services Authority (DLSA), Uttarkashi.	Civil Judge (Sr. Div.), Uttarkashi.	11.05.2022

NOTIFICATIONS OF HIGH COURT OF UTTARAKHAND**FROM****APRIL 2022 TO JUNE 2022****No.143/UHC/Admin.A/2022****Dated: April 19, 2022.**

The Government of Uttarakhand has issued Notification/Retirement No. 856/XXX(4)/2022-04(9)/2021 dated 12.04.2022, regarding voluntary retirement of Shri Rajendra Singh, Principal Secretary (Law)-cum-L.R., Government of Uttarakhand, Dehradun, w.e.f. afternoon of 15.04.2022. The above stated Notification/Retirement reads as under:

“श्री राजेन्द्र सिंह, प्रमुख सचिव न्याय व विधि परामर्शी, उत्तराखण्ड शासन के स्वैच्छिक सेवानिवृत्ति स्वीकृत किये जाने संबंधी प्रार्थना पत्र दिनांक 06.04.2022 के क्रम में महानिबन्धक, उत्तराखण्ड उच्च न्यायालय, नैनीताल के पत्र संख्या 1802/XIV-a-3/Admin.A/2015 दिनांक 08 अप्रैल ,2022 के माध्यम से प्रेषित मा0 उत्तराखण्ड उच्च न्यायालय की संस्तुति के आलोक में, शासन द्वारा सम्यक विचारोपरान्त वित्तीय हस्तपुस्तिका खण्ड-2 भाग 2 से 4 के अध्याय 9 सेवानिवृत्ति के मूल नियम 56(घ)(1)में प्रावधानित, तीन माह के नोटिस अवधि में, मूल नियम56(घ)(2) के प्राविधान के तहत छूट प्रदान करते हुये श्री राजेन्द्र सिंह, प्रमुख सचिव एवं विधि परामर्शी, उत्तराखण्ड शासन को दिनांक 15.04.2022 के अपरान्ह से स्वैच्छिक सेवानिवृत्ति प्रदान किये जाने की श्री राज्यपाल सहर्ष स्वीकृति प्रदान करते है। ”

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(अरविन्त सिंह हयाँकी)
सचिव

No.145/UHC/Admin.A/2022

Dated: April 21, 2022

Shri Vivek Bharti Sharma, Registrar General, High Court of Uttarakhand, Nainital shall also be the Registrar (Vigilance), High Court of Uttarakhand, Nainital with immediate effect, in addition to his duties.

By Order of Hon'ble the Acting Chief Justice

No.149/UHC/Stationery/2022

Dated: April 26, 2022

High Court of Uttarakhand has been pleased to declare 02.05.2022 (Monday) as holiday for the High Court of Uttarakhand. In lieu thereof 15.10.2022 (Saturday) shall be the Court Working day for the High Court.

By Order of the Court

No.152/UHC/Admin.A/2022

Dated: May 10, 2022

Ms. Nisha Devi, Civil Judge (Jr. Div.), Tehri Garhwal is given additional charge of the Court of Civil Judge (Jr. Div.), Pratapnagar, District Tehri Garhwal with the direction to hold Camp Court at Pratapnagar, District Tehri Garhwal, for three days in a month, till further orders or regular posting of Presiding Officer for the said Court, whichever is earlier.

This order will come into force with immediate effect.

By Order of the Court

No.168/UHC/Admin.A/2022**Dated: May 20, 2022.**

In exercise of the powers conferred by Section 16 (2) of the Advocates Act, 1961 and all other powers enabling it in this behalf, the High Court of Uttarakhand, Nainital, hereby makes the following amendments in Appendix-B of “Uttarakhand High Court (Designation of Senior Advocates) Rules, 2018”; in the light of Judgment dated 12.10.2017 and order dated 04.05.2022 passed by the Hon’ble Supreme Court of India in Misc. Application No. 709 of 2022 in WP (C)No. 454 of 2015 titled as Indira Jaising Vs. Supreme Court of India & Ors. :-

Existing Rule			Amended Rule		
S. No.	Matter	Points	S. No.	Matter	Points
1.	Number of years of practice of the Applicant Advocate from the date of enrollment. [10 points for 10-20 years of practice, 20 points for practice beyond 20 years]	20 points	1.	Number of years of practice of the Applicant Advocate from the date of enrollment [10 points for 10 years of Practice and one mark each shall be allocated for every year of practice between ten to twenty years , 20 points for practice beyond 20 years]	20 points
4.	Test of Personality & Suitability on the basis of interview/interaction	20 points	4.	Test of Personality & Suitability on the basis of interview/interaction	25 points

These amendments shall come into force with immediate effect.

By Order of the Court,

No.170/UHC/Stationery/2022**Dated: May 24th, 2022**

High Court of Uttarakhand has been pleased to declare holiday on 31.05.2022 (Tuesday) in the District & Sessions Court at Champawat and Outlying Court at Tanakpur falling under the 55- Champawat Legislative Assembly Constituency on account of Legislative Assemble Bye-election pursuant to the Government Notification No. /xxxi(15)G/22-10 (सा०)/ 2017 dt. 12.05.2022, issued under section 25 of The Negotiable Instruments Act, 1881(Act No. 26 of 1881).

By Order of the Court**No.173/UHC/Admin.A/2022****Dated: May 26, 2022.**

In exercise of the powers conferred by the Article 227 (2) of the Constitution of India, the High Court of Uttarakhand, with the approval of Governor of Uttarakhand is pleased to make the following amendments in the General Rules (Civil), 1957 in its applications in the State of Uttarakhand :-

1. In General Rules (Civil), 1957, wherever the words 'Civil Judge (Junior Division)' occur, they shall be substituted by the words 'Civil Judge'.
2. In General Rules (Civil), 1957, wherever the words 'Civil Judge (Senior Division)' occur, they shall be substituted by the words 'Senior Civil Judge'.

These amendments shall come into force with immediate effect.

By Order of the Court

No. 174/UHC/Admin.A/2022

Dated: May 26, 2022.

In exercise of the powers conferred by the Article 227 (2) of the Constitution of India, the High Court of Uttarakhand, with the approval of Governor of Uttarakhand is pleased to make the following amendments in the General Rules (Criminal), 1977 in its applications in the State of Uttarakhand :-

1. In General Rules (Criminal), 1977, wherever the words ‘Civil Judge (Junior Division)’ occur, they shall be substituted by the words ‘Civil Judge’.
2. In General Rules (Criminal), 1977, wherever the words ‘Civil Judge (Senior Division)’ occur, they shall be substituted by the words ‘Senior Civil Judge’.

These amendments shall come into force with immediate effect.

By Order of the Court

No.185/UHC/Admin.A/2022

Dated: June 21, 2022

Shri Rahul Kumar Srivastava, 1st Additional Civil Judge (Sr. Div.), Haridwar is given charge of Principal Magistrate (1st Class), Juvenile Justice Board, Haridwar, in addition to his present duties.

This order will come into force with immediate effect.

By Order of Hon’ble the Acting Chief Justice

No. 187/UHC /Admin.A/2022

Dated: Nainital: June 28, 2022

Hon'ble Shri Justice Vipin Sanghi, Judge, Delhi High Court has assumed charge of Office of the Chief Justice of High Court of Uttarakhand, Nainital on June 28, 2022 at 06:15 P.M. pursuant to the Notification No. K.13032/02/2022-US.I/II Dated 19.06.2022 issued by Government of India, Ministry of Law and Justice, Department of Justice (Appointments Division), Jaisalmer House, 26, Man Singh Road, New Delhi.

Sd/-
(Neena Aggarwal)
Registrar (Inspection)
For Registrar General

CIRCULARS

From,

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/ Judges, Family Courts, Subordinate to High Court of Uttarakhand.
3. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
4. Secretary, Law-cum-L.R., Government of Uttarakhand, Dehradun.
5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
6. Chairman, State Transport Appellate Tribunal, House of Doctor Poonam Gambhir, Vaidik Kaya Ayurvedic Centre, 1st Floor, House No.85/1, Laxmi Road, (Near Favvara Chauk), Dehradun.
7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
8. Legal Advisor to Hon'ble the Governor, Raj Bhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Disputes Redressal Commission, H.N. 23/16, Circular Road, Dalanwala, Dehradun.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
13. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, District Nainital.
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
17. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
18. Legal Advisor to Uttarakhand Public Service Commission, Haridwar.
19. Deputy Director (Law), Competition Commission of India, 9th Floor, Office Block-1, Kidwai Nagar (East), New Delhi-110023.
20. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.

C.L. No. 01/UHC/Admin.A/2022

Dated: May 21, 2022.

Sub: Partial Modification in Nomination of Administrative Judge(s).

Sir/Madam,

With reference to earlier C.L. No. 13/UHC/Admin.A/2013 Dated: October 11, 2021, on the subject noted above, I am directed to inform that Hon'ble the Acting Chief Justice is pleased to nominate the following Hon'ble Judges as the Administrative Judge In-charge of the District, shown against their name, in addition to their earlier nominated districts, with effect from May 20, 2022.

- | | | |
|---|---|----------------------|
| 1. Hon'ble Mr. Justice Manoj Kumar Tiwari | : | District Nainital. |
| 2. Hon'ble Mr. Justice Alok Kumar Verma | : | District Rudraprayag |

You are therefore, informed accordingly.

From,
Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/ Judges, Family Courts, Subordinate to High Court of Uttarakhand.
3. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
4. Secretary, Law-cum-L.R., Government of Uttarakhand, Dehradun.
5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
6. Chairman, State Transport Appellate Tribunal, House of Doctor Poonam Gambhir, Vaidik Kaya Ayurvedic Centre, 1st Floor, House No.85/1, Laxmi Road, (Near Favvara Chauk), Dehradun.
7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
8. Legal Advisor to Hon'ble the Governor, Raj Bhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Disputes Redressal Commission, H.N. 23/16, Circular Road, Dalanwala, Dehradun.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
13. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, District Nainital.
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
17. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
18. Legal Advisor to Uttarakhand Public Service Commission, Haridwar.
19. Deputy Director (Law), Competition Commission of India, 9th Floor, Office Block-1, Kidwai Nagar (East), New Delhi-110023.
20. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.

C.L. No. 02/UHC/Admin.A/2022

Dated: May 27, 2022.

Sub: Compliance and due execution of orders and other processes communicated by Hon'ble Supreme Court of India through "FASTER" system.

Sir/Madam,

In Suo Moto Writ Petition (C) No.4/2021, IN RE: DELAY IN RELEASE OF CONVICTS AFTER GRANT OF BAIL, the Hon'ble Supreme Court of India has directed vide order dated 23.09.2021 to adopt the procedure termed as FASTER (Fast and Secure Transmission of Electronic Records) for transmission of e-authenticated copies of the interim orders, stay orders, bail orders and record of proceedings to the duty-holders for compliance and due execution, through a secured electronic communication channel.

Rule 99 of the General Rules (Criminal), 1977 provides for duty of a trial court on receipt of judgment or order of Appellate or Revisional Court, while, Rule 102 of the General Rules (Criminal), 1977 provides for issue of a judicial order or communication of the purport of a warrant or process by electronic form, service of orders of Appellate Courts and processes through email and other electronic modes. Rule 100 of General Rules (Civil), 1957 provides for sending of copy of an appellate judgment certified to the lower court for perusal to the officer against whose order or decree the appeal was preferred.

-Page 01 of 02-

Therefore, all concerned are hereby directed that the e-authenticated copy of the Order/Direction/Record of Proceedings received from the Hon'ble Supreme Court of India via secured email domain i.e., xxxxx@jcn.nic.in, shall be awarded due recognition and the directions contained therein shall be complied/executed without any delay.

Further, the District Judge shall be responsible to receive, acknowledge the receipt and to send compliance report of the orders of the Hon'ble Supreme Court, sent through the FASTER system via secured email domain i.e., xxxxx@jcn.nic.in, created by NIC.

**Proceedings of Superannuation of Hon'ble Mr. Justice Narayan Singh Dhanik,
Judge, High Court of Uttarakhand**

Full Court Reference, held on 19.05.2022

In

The Court of the Chief Justice

At 03.30 P.M.

Order of address

- ❖ **Sri S.N. Babulkar, Advocate General, High Court of Uttarakhand.**
- ❖ **Sri Avtar Singh Rawat, President of the High Court Bar Association,
Nainital, Uttarakhand.**
- ❖ **Hon'ble Sri Justice Sanjaya Kumar Mishra, Acting Chief Justice, High
Court of Uttarakhand.**
- ❖ **Hon'ble Mr. Justice Narayan Singh Dhanik, Judge, High Court of
Uttarakhand.**

Registrar General:

My Lord,

I seek Your Lordship's permission to open the proceedings.

Hon'ble the Acting Chief Justice:

Permitted.

Registrar General:

The proceedings are open. Now, I request the Hon'ble dignitaries to address the esteem gathering according to their respective turns.

❖ Address by Sri S.N. Babulkar, Advocate General, High Court of Uttarakhand:

My Lord, Hon'ble Mr. Justice Sanjaya Kumar Mishra, Acting Chief Justice of Uttarakhand High Court, Hon'ble Mr. Justice Manoj Kumar Tiwari, Senior Judge, Their Esteemed Companion Judges, President, High Court Bar Association, Senior Advocates, Assistant Solicitor General, my colleagues on the Government side, Registrar General, members of Registry, members of the Bar, ladies and gentlemen.

Sir, We have assembled here to bid farewell to Hon'ble Mr. Justice Narayan Singh Dhanik on his superannuation as a Judge from this Hon'ble Court. Moments of farewell are normally painful, as a result, throat gets choked, one does not get words to express his emotions, but the cruel rule of duty always dominates over the tender feelings.

His Lordship joined the State Judicial Service and started his career as Munsif in Pilibhit (Uttar Pradesh). His Lordship, after creation of State of

Uttarakhand, opted for Uttarakhand and was honored being posted as District Judge in District Rudraprayag. Bageshwar, Nainital, Haridwar and Dehradun. His Lordship remained Secretary to Lokayukta as well as Legal Advisor to His Excellency, the Governor of the State of Uttarakhand.

His Lordship took oath as permanent Judge in the High Court of Uttarakhand on 3rd December, 2018. His Lordship will be remembered in the legal fraternity as a role model of honesty and simplicity.

Sir, we wish you and your family a very good health and prosperity in life. But since we belong to this land which is abode of God and since this is a part of our cherished culture that whenever we bid farewell to our beloved, we pray Almighty to make his path free from all trouble. I follow the same tradition by expressing my emotions through this Vedic verse:-

"जीवेम शरदः शतम्"

Thanking you.

❖ **Address by Mr. Avtar Singh Rawat, President, High Court Bar Association, Nainital:**

My Lords, Hon'ble the Acting Chief Justice of High Court of Uttarakhand, Hon'ble Mr. Justice Manoj Kumar Tiwari, Senior Judge, Hon'ble Mr. Justice Sharad Sharma Ji, Hon'ble Mr. Justice Dhanik Sahab, Hon'ble Mr. Justice Verma Ji, my respected, Advocate General, the Registrar General of the High Court of Uttarakhand, all law officers of the High Court, my senior colleagues and all colleagues at the Bar.

My Lords, today we have assembled here to bid farewell to the Hon'ble Mr. Justice Narayan Singh Dhanik, who is demitting the office today after rendering distinguished services of this Court of more than three years. I can say without any hesitation that the retirement of Justice Dhanik, the Bench and Bar of the High Court of Uttarakhand will be missing amongst us a brilliant and illustrative Judge. Justice Dhanik was born on 25.05.1960 in village Puwana, District Almora, Uttarakhand, did his intermediate education from Sarvodaya Inter College Jayanti, Almora and thereafter, graduated from Rajkiya Mahavidhalaya, Almora. After doing LLB from Lucknow University joined PCS-J in the year 1985 and his first posting was at Munsif in Pilibhit, Uttar Pradesh. After carving out the State of Uttarakhand on 09.11.2000, opted for the Uttarakhand and thereafter, posted as District Judge in Districts Rudraprayag, Bageshwar, Nainital, Haridwar, Dehradun, remained Secretary to the

Lokayukta as well as Legal Advisor to His Excellency, the Governor of the State of Uttarakhand, took oath as permanent Judge of High Court of Uttarakhand in forenoon of 03.12.2018 and he rose up to the position of High Court Judge with all difficulties in hill area, all education, others tremendous achievements and we are grateful to Your Lordship. A Judge is required not only to faithfully interpret apply law, but equally essential to him to be conscious of social realities of the world and to decide the case fair and wisely. My Lord contribution to this Hon'ble Court would always be remembered and cherish by the members of Bar. His Lordship has a deep attachment to Uttarakhand and to the people of the State. We the member of the Bar have no words to express our gratitude for the services rendered by the Lordship to the people of the State. Moment of farewell are always painful, but at the same time such occasions are remembered as re-memorable of sentiments and relations. I, on behalf my myself, and, on behalf of the members of Bar Association takes this opportunity to extent my gratitude here to come and wishing him a very new start to a new chapter of life My Lord hereinafter.

❖ Address by Sri Sanjaya Kumar Mishra, Acting Chief Justice, High Court of Uttarakhand

Hon'ble Mr. Justice Narayan Singh Dhanik, gracious lady Smt. Janki Dhanik and the family members, my esteemed brothers of the Bench, the family members of my other esteemed colleagues, Mr. S.N. Babulkar, the learned Advocate General for the State of Uttarakhand, Mr. G.S. Sandhu, the learned Government Advocate for the State, Mr. C.S. Rawat, the learned Chief Standing Counsel for the State, Mr. Rakesh Thapliyal, the learned Assistant Solicitor General of India, Mr. A.S. Rawat, the President, High Court Bar Association, Mr. Vikas Bahuguna, the Secretary, High Court Bar Association, the learned Senior Advocates, learned Members of the Bar, the learned Members of the Registry of the High Court, the staff of the High Court, members of the Print and Electronic Media, Ladies and Gentlemen.

We have assembled here today to bid farewell to Hon'ble Mr. Justice Narayan Singh Dhanik on his demitting office as Judge of the High Court of Uttarakhand.

Born on 20th May, 1960 in Village of Pubhauna, District Almora, Brother Justice Dhanik had his schooling in Sarvodaya Inter College, Jainti, District Almora, and Graduation from Rajkiya Mahavidyalaya, Almora. After obtaining Law Degree from the Lucknow University, Brother Justice Dhanik joined Judicial Service in the

year 1985 and was posted as Munsif in Pilibhit in the State of Uttar Pradesh. On creation of the State of Uttarakhand on 9th November, 2000, Brother Justice Dhanik opted for the services in the State of Uttarakhand and, since then, remained posted as the District Judge in districts of Rudraprayag, Bageshwar, Nainital, Haridwar and Dehradun. Owing to his legal knowledge and experience, Justice Dhanik also held key positions of Secretary to the Lokayukta as well as Legal Advisor to His Excellency the Governor of Uttarakhand.

Considering his high sense of integrity and his erudite knowledge of law, on 3rd December, 2018, Brother Justice Narayan Singh Dhanik was elevated as a Judge of this High Court. During his tenure as a Judge for the last about 3½ years, Brother Justice Dhanik has disposed of as many as 6,441 Main Cases and 10,499 Miscellaneous Cases.

Brother Justice Dhanik has authored many landmark judgments which adorn the Law Journals and would guide the legal fraternity for all times to come.

His judgment dated 24th September, 2021 in *Naresh Pandey vs State Of Uttarakhand* (Criminal Writ Petition No. 1383 of 2021), is known for his interpretation on the Police Regulations. The petitioner therein had filed the writ petition praying for quashing of history-sheet. The question which came up for

consideration before the court was whether the respondents were justified in continuing with the surveillance and opening the history-sheet under Regulation 228 of the Police Regulations against the petitioner. The Court took note of the fact that the Police Regulation indicates that a history sheet be opened only for persons, who are or likely to become habitual criminal or abettors of such crimes and for criminals under surveillance. The Court held that it is more important to open history sheet on conviction rather than on mere suspicion.

In judgment dated 20th December, 2018 in *Mahendra Singh vs. State of Uttarakhand* (Criminal Misc. Application No. 2024 of 2018), while interpreting Section 320 of the Code of Criminal Procedure, His Lordship held that although non-compoundable offences cannot be compounded by a Court, however, if there is a genuine compromise between husband and wife, criminal complaints arising out of matrimonial discord can be quashed even if the offence is non-compoundable. Accordingly, the court held that since the dispute has been settled between the parties, no useful purpose would be served if the proceedings under Section 498-A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act are allowed to continue.

The judgment dated 16th March, 2022 in *Jagbir Singh vs. State of Uttarakhand* (Criminal Revision No. 218 of 2021), is based on interpretation of

Section 319 of the Code of Criminal Procedure. Therein, His Lordship held that in order to exercise the power under Section 319 of the Code, a case more than prima facie is needed to be presented to summon a person during a trial.

While sitting in a Division Bench, the judgment dated 2nd March, 2020 in ***Priti Saxena vs. State of Uttarakhand (Criminal Appeal No. 82 of 2014)***, His Lordship is known for the interpretation of Section 376 Indian Penal Code vis-à-vis “promise to marry”. In the said judgment, it was held that the prosecutrix being a mature and intelligent working woman, bringing up a child of 11 year of age, cannot be so naïve as to get into an intimate physical relationship with a man merely because he had applied vermilion on her forehead, and that it cannot be said that the sexual relationship between the accused and the prosecutrix was "under a misconception of fact", rather was based on consent.

While sitting in another Division Bench, an order came to be passed on 16th December, 2021 in Criminal Writ Petition No. 2254 of 2021, whereby police protection was granted to a Gay couple in a live-in relationship observing that individuals, who are major, have a fundamental right to choose their life partners despite the opposition voiced by their family members.

All the above judgments are “must read” judgments for every student of law.

Moreover, he has chaired many Committees of the High Court, where both, the Committee and the High Court, have reaped dividends from his vision and clarity of thoughts.

Brother Justice Narayan Singh Dhanik is an inspiring figure amongst us. A very humble person, a God loving man, his simplicity and his sensitivity is heart-warming. His hard work, his tenacity, his courage, his dedication to our values and principles of being an objective, impartial, independent judge, has brought him laurels throughout his service career spanning over 36 years. The judgments pronounced by him would continue to guide us through the difficult and complex legal issues. Knowing Brother Justice Dhanik, he is not one to rest on his oars or to bask in his past glories. Brother Justice Dhanik would continue to serve the people of the State of Uttarakhand, though on a different role as a Chairman of the State Police Complaint Authority at Dehradun. I am sure, he will continue to work and will continue to contribute substantially, both, to the legal fraternity in particular and to the society in general.

I, on my behalf and on behalf of all my Brothers, wish Brother Justice Narayan Singh Dhanik and his family a happy and joyous, peaceful, prosperous, a healthy and wealthy comfortable life, in decades to come.

Thank You.

❖ **Address by Sri Narayan Singh Dhanik, Judge, High Court of Uttarakhand**

My Lord Sri Justice Sanjay Kumar Mishra, the Acting Chief Justice, my esteemed brother Judges, Sri S.N. Babulkar, learned Advocate General, Sri G.S. Sandhu, learned Government Advocate, Sri C.S. Rawat, learned Chief Standing Counsel, Sri Rakesh Thapliyal, learned Assistant Solicitor General, Sri Avtar Singh Rawat, President of the High Court Bar Association, Sri Vikas Bahuguna, Secretary of the High Court Bar Association, learned Senior Advocates, Members of the Bar, learned Registrar General, other Registrars, Officers and Staff of the Registry, family members of my brother Judges, Ladies and Gentlemen.

I am deeply touched and overwhelmed by the kind words that you have all expressed today for me. I convey my gratitude to all of you.

Today, an important chapter of my life is coming to an end. However, there is whole new chapter of life awaiting me. Having discharged judicial function for almost 35 years, today is my last day in office and it is the time to take blessings from all of you. It was a long journey spent very quickly.

I was born in an agricultural middle class family in a small village in Almora District and somehow I managed to pursue my education. My parents taught me

courtesy and humility, which always remained my GPS and compass to pursue the path of my life.

As we all know, judiciary is one of the four pillars of the functional democracy and without doubt it is the strongest of the four pillars. Judiciary ensures that the Government of the day is of the people, by the people and for the people. Constitution is our title deed of authority and power to create an independent and fearless judiciary. The greatest strength of judiciary is the faith of people in it. On my part, I tried my best to live up to the expectation and to keep this faith intact.

Though, my tenure in the High Court was short, but full of satisfaction. During my tenure, we all also saw an unprecedented severe situation and sufferings on account of Covid-19 pandemic. However, it all sailed through because of the cooperation of the members of the Bar and Bench and the officers of the Registry.

While working in this High Court, I had the honour of sitting in the Division Bench with My Lord Mr. Justice Ramesh Ranganathan, the then Chief Justice. I was amazed at his legal acumen, literary excellence and hard work. I could think of no other judge who could match that performance. I also had honour of sit in the Division Bench with My Lord Mr. Raghvendra Singh Chauhan, the then Chief Justice of this Court. His Lordship had a vast legal knowledge and experience and I gained a lot from him. I also feel fortunate to be on the Bench with My Lord Mr. Justice Ravi

Malimath, the then Acting Chief Justice of this Court, who brought a lot of reforms to this institution in a very short time. I feel privileged to be on the Bench with my Lord Mr. Justice Sudhanshu Dhulia, the then Senior Judge of this Court and at present, the Judge of the Hon'ble Apex Court. I learnt many facets of law from His Lordship. I also feel privileged to be on the Bench with Hon'ble Justice Sanjay Kumar Mishra, the Acting Chief Justice of this Court. I learnt a lot from the legal wisdom of My Lord.

Where will I find, the simplicity, grace and commitment as that of Brother Justice Manoj Kumar Tiwari; the punctuality and hard work as that of Brother Justice Sharad Kumar Sharma; simplicity and sincerity of Brother Justice Ramesh Chandra Khulbe; the legal expertise and vast administrative experience and frankness of Brother Justice Ravindra Maithani; and the dedication and punctuality of Brother Justice Alok Verma.

Having been carved out from the State of Uttar Pradesh on 9th November 2000, Uttarakhand got a new High Court and in a very short span of time, it quickly adapted and became at par with other States. We have a Bar of highly competent and dedicated professionals, respecting their colleagues and the Court, superbly serving their clients, both rich and poor, giving much to their community, and in general

having the time of their life everyday. I thank each and every member of the bar for their cooperation.

For young lawyers, it is my advice to you to keep a strong belief in yourself and never surrender to any bad situation.

I acknowledge the invaluable services rendered by the Registrar General, other Registrars, Management Officer, Public Relation Officer and Protocol Officer.

I am also thankful to Medical Officers Dr. Lalit Mohan Singh Rawat, Dr. Ganesh Shankar and the Pharmacist Mr. Lalit Prasad Dhaundhiyal for taking good care of my health.

I also acknowledge the invaluable services rendered by my personal staff Mr. Prabodh Kumar, my Private Secretary; Ms. Avneet Kaur, Ms. Shiksha and Mr. Ravi Bisht, my Personal Assistants, Mr. Kailash Giri, my Bench Secretary.

I received full cooperation from Mr. Kripal Singh Tagari, my Driver, Mr. Nand Lal Sahu alias Bajrangi and Mr. Shivnath Goswami, my Zamadar and Mr. Kripal Singh Mehta and Mr. Bhupal, my PSOs.

The Staff attached at my residence Mr. Sukhdev Rawat, Mr. Harshmani Belwal, Mr. Laxman Singh Negi, Rajesh, they took great care of me and my family. I thank all of them.

I enjoyed complete cooperation from my wife Mrs. Janki Dhanik, my daughters Ms. Hema Rawat, Ms. Rajni, Ms. Bhawna and my son Mr. Harsh. They all remained supportive to me.

I am leaving this place with fond memories, lot of love and affection from all, dignity of my family intact and my conscience clear.

Before ending my speech, I seek your forgiveness for any harshness shown by me at any point of time.

THANK YOU ALL ONCE AGAIN.

JAI HIND.

Registrar General:

Now, I seek the permission of Hon'ble the Acting Chief Justice to place the proceedings on record and close the proceedings.

Hon'ble the Acting Chief Justice:

Permitted.

Registrar General:

Thank you Your Lordship. The proceedings are closed.

May I request you all to join in tea at the ground floor of the Chief Justice's Block, please.

Proceedings of Welcome of Hon'ble Mr. Justice Vipin Sanghi,

The Chief Justice, High Court of Uttarakhand

Full Court Reference held on 29.06.2022

In

The Court of the Chief Justice

At 04.30 P.M.

Order of address

- **Sri S.N. Babulkar, Advocate General, State of Uttarakhand.**
 - **Sri Prabhakar Joshi, President of the High Court Bar Association, Nainital, Uttarakhand.**
 - **Hon'ble Mr. Justice Sanjaya Kumar Mishra, Judge, High Court of Uttarakhand.**
 - **Hon'ble Shri Justice Vipin Sanghi, Chief Justice, High Court of Uttarakhand**
-
- **Address by Shri S.N. Babulkar, Advocate General, High Court of Uttarakhand:**
My Lord,
 - Hon'ble Mr. Justice Vipin Sanghi, Chief Justice of Uttarakhand High Court;
 - Hon'ble Mr. Justice Sanjaya Kumar Mishra, Senior Judge, their Esteemed Companion Judges;

- President, High Court Bar Association;
- Senior Advocates;
- Assistant Solicitor General;
- My colleagues on government side;
- Members of the Bar;
- Registrar General;
- Members of Registry;
- Ladies and gentlemen.

Sir,

We have assembled here to welcome Hon'ble Mr. Justice, Vipin Sanghi, the Chief Justice of Uttarakhand High Court.

His Lordship was born on 27th October, 1961 at Nagpur, shifted with family from Nagpur to Delhi, started schooling at Delhi and completed his Intermediate in the year 1980. His Lordship completed B.Sc. Mathematics (Hons.) from Delhi University in the year 1983 and did his LL.B from law faculty, Delhi University in the year 1986. His Lordship enrolled with the Bar Council of Delhi in the year 1986.

His Lordship worked in the office of Shri Mukul Rohtagi, Senior Advocate. His Lordship appointed as a Central Government Panel Lawyers in the Supreme Court of India. His Lordship function as a counsel for M.C. Jain Commission of Enquiry.

His Lordship was designated as Senior Advocate by the Hon'ble Delhi High Court in December, 2005.

His Lordship attended various International Conferences including LAWASIA, Biennial Conference in Tokyo, Japan and Gold Coast, Australia, the POLA conference in Hong Kong and INSOL Law Conference in Colombo, Sri Lanka.

His Lordship appointed as Additional Judge of the High Court of Delhi on 29th May, 2006 and confirmed as permanent Judge on 11th February, 2008.

His Lordship elevated as Acting Chief Justice of Delhi High Court on 13.03.2022.

We welcome you Sir, your Lordship here in this abode of God, which is popularly known as 'Devbhoomi' and hope & believe that under your Lordship's able guidance and partnership, entire legal fraternity and this institution will progress leaps and bounds.

Sir, I on my behalf and on behalf of the State, welcome you in this Devbhoomi, where Ganga and Yamuna along with its tributaries flows with all its might and where salvation can be achieved by just remembering the name of God.

I conclude with this Vedic words :

" आ नो भद्राः क्रतवो यन्तु विश्वतः॥

(Let the noble thought come to us from all directions)

Thank you.

➤ **Address by Shri Prabhakar Joshi, President, High Court Bar Association, Nainital:**

Your Honour,

- Hon'ble Mr. Vipin Sanghi Ji, The Chief Justice of the High Court of Uttarakhand at Nainital;
- Hon'ble Mr. Justice Sanjay Kumar Mishra, Senior Judge of High court of Uttarakhand at Nainital and other esteemed Judges of our High Court;
- Other esteem and other esteem dignitaries including retired Judges of the Hon'ble High Court;
- Learned Advocate General;
- Learned Additional Solicitor General;
- Learned Senior Advocates;
- Learned Registry;
- Registrar General and learned members of the High Court Bar Association.

It is my pleasure to welcome, The Hon'ble Chief Justice Mr. Vipin Sanghi Ji, on my behalf and on behalf of the members of the Uttarakhand High Court Bar

Association. Hon'ble Chief Justice was born on 27th October, 1961 at Nagpur, Maharashtra. He did his schooling in Delhi. He did LL.B. from Delhi University. He was enrolled as an Advocate with the Bar Council of Delhi in year 1986. He was practiced on Civil and Constitutional side in the Supreme Court of India and Delhi High Court. He was designated as Senior Advocate by Delhi High Court in December 2005. He was elevated as an Additional Judge of Delhi High Court on 29th May 2006 and became permanent Judge on 11 February 2008. He was appointed Acting Chief Justice of Delhi High Court on 10th March, 2022 and took over as Acting Chief Justice on 13th March, 2022, consequently to the retirement of the then Chief Justice D.N. Patel. Hon'ble The Chief Justice took Oath as Chief Justice of Uttarakhand High Court on 28 June, 2022.

We have learnt from official website that Hon'ble Chief Justice was concerned about the life of general public during the second wave of Covid-19. The Hon'ble Chief Justice took suo-moto cognizance of the matter and warned the Government, more so, observed, as Government it is your responsibility to supply oxygen to the patient and further observed that the government says that we can arrange this much, and people have to die. It was also observed that we cannot see people dying because oxygen was not available and directed to the Union Government to ensure safe and unobstructed passage of oxygen from base of the production to the recipient throughout the country.

On my behalf and behalf of the High Court Members of High Court Bar Association of this Bar I can assure you that we shall be too happy, to become part of and any of your deliberated solution. Your Hon'ble, your joining was brought in fresh hopes and optimism of ushering in an era of quick reforms. We therefore welcome you and wish you all the best on the start of your journey and profoundly hope that when it ends, it is so full of accomplishment and achievement that everyone feels that it was really short and should have gone on.

We welcome you and convey our best wishes to you and your family tenure. We are indeed privileged to have you as the Chief Justice of Uttarakhand High Court. We welcome you and your family to the Dev Bhoomi Uttarakhand.

Once again I wish you the very best for your tenure.

Thank you and very best wishes.

➤ **Address by Hon'ble Sri Justice Sanjaya Kumar Mishra, Senior Judge, High Court of Uttarakhand:**

- Hon'ble Sri Justice Vipin Sanghi, the Chief Justice of Uttarakhand at Nainital;
Gracious Lady presenter Mrs. Gunjan Sanghi;
- My Esteemed Brothers on the Bench and their respective spouses;
- Mrs. Madhumita Mishra;

- Justice B.S. Verma;
- Justice J.C.S. Rawat;
- Justice Lok Pal Singh;
- Justice U.C. Dhyani; formerly the Judges of this Court;
- Mr. S.N. Babulkar, the learned Advocate General for the State of Uttarakhand;
- Mr. G.S. Sandhu, the learned Government Advocate for the State;
- Mr. C.S. Rawat, the learned Chief Standing Counsel for the State;
- Mr. Rakesh Thapliyal, Senior Advocate and the learned Assistant Solicitor General of India;
- Mr. Prabhakar Joshi, the President of the High Court Bar Association at Nainital;
- Mr. Vikas Bahuguna, the Secretary of the High Court Bar Association;
- The learned Senior Advocates;
- Learned Members of the Bar;
- The learned Members of the Registry of the High Court;
- The staff of the High Court;
- Members of the Print and Electronic Media;
- Ladies and gentlemen;

I, on my behalf and on behalf of my brother Judges, and also on behalf of the entire judiciary of the State, accord a warm welcome and congratulate My Lord for assuming the charge as the 12th Chief Justice of the High Court of Uttarakhand at Nainital.

My Lord, welcome to Uttarakhand, the abode of the Gods, also known as Devbhoomi and welcome to Nainital, especially the lake city.

It gives me immense pleasure and, I say so with a matter of pride that we have amongst us, an experienced, capable and a learned person with a vision, who is guided by his own wisdom and good conscience. This State is fortunate to have such a meritorious person as the Head of State Judiciary.

Born on October 27, 1961, Chief Justice Sanghi began his illustrious career by Graduating in M.Sc. Mathematics (Hons.) from the Delhi University in the year 1983, and thereafter, took his Law Degree in the year 1986. Chief Justice Sanghi was one year senior to me in the Campus Law Centre, Delhi University. He enrolled with the Bar Council of Delhi in the same year and started practice as an Advocate before the Hon'ble High Court of Delhi and the Hon'ble Supreme Court of India. He is a third generation lawyer after his grandfather Late Sri V.K. Sanghi, Advocate, and father Late Sri G.L. Sanghi, Senior Advocate. By his stint of hard work, he was appointed as a Central Government Panel Advocate and functioned as such during 1990-91 and also as a Central Government Panel Lawyer in the Supreme Court of

India. He also functioned as a Counsel for the M.C. Jain Commission of Enquiry. In acknowledgement of the contributions that he made to the legal profession, he was designated as Senior Advocate by the Hon'ble High Court of Delhi in December, 2005. His acumen in various branches in the field of law was recognized by one and all and, soon thereafter, he was elevated to the Bench of the Hon'ble High Court of Delhi on 29.05.2006. Chief Justice Sanghi has attended various International Law Conferences including the LAWASIA Biennial Conferences in Tokyo, Japan and Gold Coast, Australia; the POLA Conference in Hong Kong; and the INSOL Law Conference in Colombo, Sri Lanka.

During his tenure at the Hon'ble High Court of Delhi, the Chief Justice has disposed of around 20,000 main cases and about 30,000 Miscellaneous Applications inclusive of around 2000 judgments authored by him. He has authored various landmark judgments, which adjourn the law journals.

The second wave of Covid-19 Pandemic came with multiple unprecedented challenges, which engulfed the entire nation. During those toughest times, the Bench headed by Justice Sanghi took cognizance of the difficulties faced by the people and passed several orders for preserving human lives, which were struggling due to scarcity of beds, oxygen, medicines, ambulances, testing facilities, and the State's obligation to optimally utilize the limited resources. His compassionate approach evoked the spirit of collective cooperation.

In one of his recent judgments in the case of Delhi Sarkari Ration Dealers Sanghi Delhi v. Commissioner Food And Supplies, Writ Petition (Civil) No. 2037 of 2021, Chief Justice Sanghi held that though the Government of NCT of Delhi is entitled to frame a scheme for doorstep delivery of rations to the beneficiaries, however, the same has to be done by the Government of NCT of Delhi from its own resources in compliance with the prevailing laws.

In the case of Bhavya Nain v. High Court of Delhi, decided on 08.05.2020, the petitioner, who was suffering from Bipolar Affective Disorder, applied for the Delhi Judicial Services Examination under the 'PWD' category, and cleared the preliminary and main examinations. However, his selection was rejected citing the reason that "his mental disability was found to be not permanent in nature". The Court set aside the rejection order and directed the petitioner to be selected. The Court held that a possible future eventuality cannot be a ground to deny employment. The Court further held that when a government establishment provides reservation for persons with benchmark disabilities for any post, any candidate who fulfills the criteria must be assumed to be fit and proper for the post. The Court held that the respondent could not have assumed that the petitioner would be unable to perform the duties of the post of a Judicial Officer. The view expressed by Chief Justice Sanghi in the said judgment was also upheld by the Hon'ble Supreme Court.

In the case of Santu Ram v. State, Writ Petition (Civil) No. 768 of 2009), decided on 07.02.2012, the deceased, who was the only son of the Petitioners, died due to the negligence and dereliction of duty by the respondent. The respondent failed to ensure that a large number of cemented electric poles, which were kept in the middle of the park, were in an orderly manner. One of the poles fell over the head of the deceased, which caused fatal injury to the deceased. Chief Justice Sanghi, while applying the principle of strict liability, directed the respondent (BSES) to compensate the deceased's family.

A matrimonial appeal, titled as Poonam Sethi v. Sanjay Sethi, Matrimonial Appeal (FC) No. 31 of 2021, came to be filed against an order of the Family Court, which had directed the father to pay maintenance for the minor son, but had refused any relief with regard to maintenance of two daughters, who were above 18 years of age. The Bench headed by Chief Justice Sanghi held that simply stating that the daughters are major and earning an income, without adducing how, and how much, is a non sequitur. The Court directed the father to the extent of granting a lump sum maintenance amount for the marriage expenses of the two daughters. While concluding, Justice Sanghi remarked that the Court is hopeful that the mother would play a positive role in bridging the gap between the father and the daughters and that he would be welcomed at the wedding functions of his daughters.

All the above judgments, among others, are “must read” judgments for every student of law. The above judgments depict the judicious as well as compassionate approach of Chief Justice Sanghi.

My Lord, I have only recently become a part of the High Court of Uttarakhand. This High Court has a small fraternity of Judges, who work diligently and with a deep sense of brotherhood. We would be privileged that His Lordship’s foresight and experience would provide us the guidance and support in the performance of our Constitutional obligations to the public at large.

Uttarakhand is a small State, carved out from Uttar Pradesh, in November, 2000. The High Court has a young and growing bar, which needs to be nurtured. The Advocates are coming to this Court from various parts of the State. There are a few genuine problems being faced by the Advocates practicing in this Court as well as by the staff members. We all implore upon you to look into those problems and to improve the working conditions of the Advocates and the staff of this Court.

With these words, once again, I, on my behalf and on behalf of my brother Judges, assure Your Lordship that we would provide full support and cooperation and would work together in the dispensation of justice to the people of this State. I wish My Lord a successful tenure in the State of Uttarakhand.

Thank you.

➤ **Address by Hon'ble Mr. Justice Vipin Sanghi, Chief Justice, High Court of Uttarakhand:**

- My Dear Brother Sanjaya Kumar Mishra and Mrs. Madhumita Mishra, Brother Justice Manoj Kumar Tiwari and Mrs. Manju Tiwari, Brother Justice Sharad Kumar Sharma and Mrs. Anita Sharma, Brother Justice Ramesh Chandra Khulbe and Mrs. Nirmla Khulbe, Brother Justice Ravindra Maithani and Mrs. Shobha Maithani, Brother Justice Alok Kumar Verma.
- Former Hon'ble Judges of this Court;
- Mr. S.N. Babulkar, learned Advocate General for the State of Uttarakhand;
- Mr. G.S. Sandhu, the learned Government Advocate for the State;
- Mr. C.S. Rawat, the learned Chief Standing Counsel for the State;
- Mr. Rakesh Thapliyal, the learned Assistant Solicitor General of India;
- Mr. Prabhakar Joshi, the President of the High Court Bar Association;
- Mr. Vikas Bahuguna, the Secretary, High Court Bar Association;
- Learned Senior Advocates;
- Learned Members of the Bar;

- Learned Members of the Registry of this Court;
- The staff of the High Court;
- Members of the print and electronic media;
- Ladies and Gentlemen;

I thank my learned Brother Justice Sanjaya Kumar Mishra, the learned Advocate General, Mr. Babulkar, the learned President of the High Court Bar Association, Mr. Prabhakar Joshi, for their kind words and generous words spoken about me.

I am very happy to be here with all of you and to take charge as the Chief Justice of this relatively new and young High Court, which has been around for just about two decades and more. I am very happy to come to this 'Devbhoomi'. I have had an association with this State for quite some time. My mother before her marriage was living in the State, she was in Haridwar where my maternal grand-father was serving as a Teacher. This brought me to Haridwar, practically every summer in those days, when I was a child. I also have a house in the State, which I have had for nearly 20 years and more.

As the 12th Chief Justice of this Court, which has completed 21 years a big responsibility falls on my shoulder to carry forward this Court and to see that this

Court emerges as one of the best High Courts in the country. I come from Delhi High Court, which is an old High Court, which has established some very good practices, both at the Bar as well as on the Bench. The administration of the Court is very advanced and very good and with co-operation of everyone and with everyone's consent here, I would like to make suggestions for improvements, wherever one can make, in our systems so that our working becomes more efficient and we are able to serve the cause of justice in a more effective and efficient manner. I look forward to co-operation from all of you in that regard.

As I said, there is scope for a lot of work and improvement in the administration of justice in this Court. I also look forward to work for the people of the State. This is a new State, which has a hilly terrain. There are many remote areas, where there is lack of facility for the public at large and even for the Courts. I would like to see that we are able to provide better facilities at our district courts, particularly in remote areas, which are not properly connected neither by road nor telecommunication, and we would like to see that better facilities are made available so that the Courts are able to function more efficiently in all such areas.

A lot has been said about me. I thank my brother Justice Mishra once again for that. All of you have turned out in such large numbers. I have heard so many good things about the Bar. I have been told by my Brother Judges here and even before I came here from others in Delhi that the Bar here is very friendly and very amiable,

very receptive and that gives me a lot of confidence and a lot of hope, and I only wish to say that I am here to strive to do whatever best I can for the Bar, for this Court and for this State, all in all.

Thank you very much.

Thank you.
