



सत्यमेव जयते

UTTARAKHAND COURT NEWS
(A Quarterly Court Magazine)
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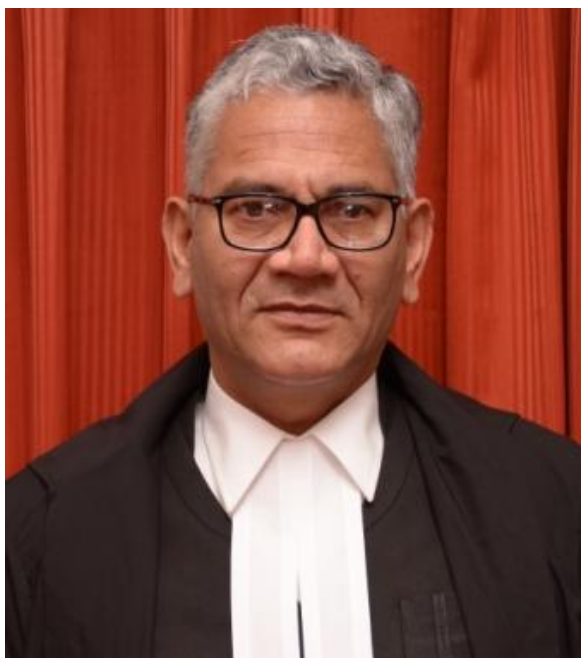
Hon'ble Mr. Justice Manoj Kumar Tiwari
Hon'ble Mr. Justice R.C. Khulbe
Hon'ble Mr. Justice Alok Kumar Verma

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A quarterly newsletter published by High Court of Uttarakhand, Nainital



Hon'ble Mr. Justice Raghvendra Singh Chauhan
(Chief Justice)
(w.e.f. 07.01.2021)



Hon'ble Mr. Justice Manoj Kumar Tiwari



Hon'ble Mr. Justice Sharad Kumar Sharma



Hon'ble Mr. Justice Narayan Singh
Dhanik



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, 2021)**

Sl. No.	Name of the Hon'ble Judges	Date of Appointment
1.	Hon'ble Mr. Justice Raghvendra Singh Chauhan (Chief Justice)	07.01.2021
2.	Hon'ble Mr. Justice Manoj Kumar Tiwari	19.05.2017
3.	Hon'ble Mr. Justice Sharad Kumar Sharma	19.05.2017
4.	Hon'ble Mr. Justice Narayan Singh Dhanik	03.12.2018
5.	Hon'ble Mr. Justice Ramesh Chandra Khulbe	03.12.2018
6.	Hon'ble Mr. Justice Ravindra Maithani	03.12.2018
7.	Hon'ble Mr. Justice Alok Kumar Verma	27.05.2019

MAJOR EVENTS & INITIATIVES

Oath Ceremony of Hon'ble Mr. Justice Alok Kumar Verma



Hon'ble Shri Justice Alok Kumar Verma, Additional Judge of the High Court of Uttarakhand, Nainital has assumed charge of the Office of Judge of the High Court of Uttarakhand, Nainital on Dated 25.05.2021 at 03:30 P.M. vide Notification No. K.13032/01/2021-US.II Dated 24.05.2021 issued by Government of India, Ministry of Law and Justice (Department of Justice), Jaisalmer House, 26, Man Singh Road, New Delhi.

**Hon'ble Judges of the High Court on the Oath Ceremony of Hon'ble
Mr. Justice Alok Kumar Verma, Judge of the High Court of
Uttarakhand on 25.05.2021.**



(L.R)

Hon'ble Mr. Justice Ravindra Maithani, Hon'ble Mr. Justice Narayan Singh Dhanik, Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Mr. Justice Raghvendra Singh Chauhan (Chief Justice), Hon'ble Mr. Justice Sharad Kumar Sharma, Hon'ble Mr. Justice Ramesh Chandra Khulbe and Hon'ble Mr. Justice Alok Kumar Verma.

PROGRAMMES ATTENDED BY HON'BLE JUDGES

(FROM APRIL, 2021 TO JUNE, 2021)

1. Hon'ble Mr. Justice Alok Kumar Verma attended the workshop for High Court Justices on "Commercial Division and Commercial Appellate Division" through Video Conferencing at National Judicial Academy, Bhopal during the period from 03.04.2021 to 04.04.2021.
2. Hon'ble Mr. Justice Sharad Kumar Sharma attended the workshop for Senior High Court Justices on "Business Process Re-Engineering" through Video Conferencing at National Judicial Academy, Bhopal during the period from 17.04.2021 to 18.04.2021.
3. Hon'ble Mr. Justice Manoj Kumar Tiwari attended the workshop for "National Convention for Senior High Court Justices: Strengthening Fiscal and Administrative Protocols in High Courts" through Video Conferencing at National Judicial Academy, Bhopal during the period from 24.04.2021 to 25.04.2021.
4. Hon'ble Mr. Justice Sharad Kumar Sharma attended the online meeting of Judge, Incharge, Education through Video Conferencing at National Judicial Academy, Bhopal on 16.06.2021.

**RECENT JUDGEMENTS OF
THE HON'BLE COURT
(01.04.2021 TO 30.06.2021)
Division Bench Judgements**

1. *In WPPIL No. 25 of 2021, Sanjeev Kumar Akash vs. State of Uttarakhand and others*, decided on 12.04.2021, the Hon'ble Court observed that briefly stated, the facts of the case are that, as per the structure in the Department of Prison in the State of Uttarakhand, there are three sanctioned posts of Senior Superintendent of Jail, and nine sanctioned posts of Superintendent of Jail. Out of the nine sanctioned posts of Superintendent of Jail, four posts are to be filled up by way of direct recruitment, and five posts are to be filled up by way of promotion from the post of Jailor. Presently, one post of Senior Superintendent of Jail, and four posts of Superintendent of Jail, have been filled up. Therefore, currently two posts of Senior Superintendent of Jail, and five posts of Superintendent of Jail are lying vacant. According to the State Government, considering the difficulties faced in running the Jails properly, it has taken a conscious decision to give additional charge of Senior Superintendent of Jail, and Superintendent of Jail, to officers of the Indian Police Service (IPS). Hence, the present Public Interest Litigation before this Court.

It was observed that, Prisons are as ancient as human civilization. Initially, prisons were created as detention centres for detaining those who

were threat to the political power. According to the *Bhagavata Purana*, an ancient text on the life of Lord Krishna, his parents, Devaki and Vasudeva, were imprisoned by Kansa, the King of Mathura. However, over centuries, prisons were constructed for the purpose of punishing those, who violate the law. Soon the purpose of prisons was changed from detention to punishment. In ancient Athens, Socrates was imprisoned for punishing him for having corrupted the minds of the youth. Long imprisonment sentences catered to the retributory and deterrent theories of punishment.

In the eighteenth-century Europe, in the age of Enlightenment, John Locke, the great English political theorist, claimed that although men are basically good, but laws and prisons were still needed to keep down “*the few desperate men in society*”. Therefore, prisons were needed to protect the society from molestation of others.

However, in the 1700’s, British Judges, like Sir William Blackstone, criticized the use of executions and other harsh punishments being meted out to the people. In 1777, the British reformer, John Howard published his book called “*The State of the Prisons in England and Wales*”. For the first time, he introduced the theory of reformation i.e. to make the prisoners aware of their guilt, and to motivate them to do penance for their wrongful act; thereby cleansing their soul and mind so that they may reform themselves as individuals. Because the prisoners were motivated to feel penitent (sorry for doing wrong), the prisons came to be known as “*penitentiaries*”.

On the other side of the Atlantic, in 1787, the founders of Philadelphia, a city in the United States, the Quakers, formed the “*Philadelphia Society for Alleviating the Miseries of Public Prisons*” (presently known as the *Pennsylvania Prison Society*). According to the Quakers, a prisoner could be reformed through hard work and meditation. They introduced the classification of criminals into different groups. While the most dangerous criminals were to be kept away, those accused of petty crimes could be reformed. Due to their efforts, in 1790, the United States had its first prison known as the “*Philadelphia’s Walnut Street Jail*”.

In 1835, Lord Macaulay presented a note to the Legislative Council in India as he was shocked by the horrifying and inhumane conditions prevalent in the Indian jails. The next year, on 02.01.1836, Lord William Bantick constituted a “*Prison Discipline Committee*”. The report of this Committee, submitted to Lord Auckland in 1838, revealed the rampant corruption, the laxity in discipline, and the abuse of men and women, who were imprisoned. However, surprisingly, the Committee rejected the thought of reforming the criminals.

Over the years, the “*Conference of Experts*” held in 1877, and the “*Fourth Jail Commission*” in 1888, recommended that there should be a uniformity in all the Jails functioning in British India. Since Indians were seen as subjects and not as citizens, since the Britishers saw themselves as the Ruler, they recommended rigorous prison sentences, and even punishments within the confines of the Jails, such as whipping and solitary confinement, and keeping the prisoners in gunny clothing. The outcome of the recommendations of the

“*Conference of Experts*” and the “*Fourth Jail Commission*” was the enactment of the “*Prisons Act of 1894*”. The Prisons Act, 1894 continues to govern most of the Jails even today.

The “*All India Jail Committee (1919-1920)*” for the first time recommended the reformation and rehabilitation of offenders as one of the objectives of the prison administration. The Committee spoke about the adequate training of the prison staff, and about the separation of executive/custodial, ministerial and technical staff in prison service. The Committee believed that a different sort of training needs to be provided to the prison staff, than the training being provided to the police staff.

After independence, a number of Committees have been constituted, beginning with the Jail recommendations made by Dr. W.C. Reckless, a U.N. Expert on Correctional Work. While submitting his report on “*Jail Administration in India*”, he advocated the reformatory theory of punishment; he emphasised on specialized training of correctional personnel; he stressed on the need for a cadre of properly trained personnel staff.

In 1972, the Ministry of Home Affairs, Government of India, appointed a “*Working Group on Prisons*”. In its report submitted in 1973, the Committee again emphasised the need for proper training of prison personnel. It also stressed that “*prison administration should be treated as an integral part of the social defence components of national planning process*”. Thus, the very basis for prison administration was to protect, reform and rehabilitate the prison population. Moreover, the prison population is not a population to be neglected.

But it is a population, which needs to be encouraged to be productive. Therefore, skill upgradation is a *sine qua non*.

In 1980, the Government of India constituted an “*All India Committee on Jail Reforms*” under the chairmanship of Hon’ble Mr. Justice A. N. Mulla. The Mulla Committee submitted 658 recommendations. According to the Committee, prisons in the country shall endeavour to reform and reassimilate offenders in the social milieu by giving them appropriate correctional treatment. One of the most important recommendations is that “*prison services shall be developed as a professional career service. The State shall endeavour to develop a well-organized prison cadre based on appropriate job requirements, sound training and proper promotional avenues. The efficient functioning of prisons depends, undoubtedly, upon the personal qualities, educational qualifications, professional competence and character of prison personnel. The status, emoluments and other service conditions of prison personnel should commensurate with their job requirements and responsibilities. An All-India Service, namely the ‘Indian Prisons and Correctional Service’ shall be constituted to induct better qualified and talented persons at higher echelons. Proper training of prison personnel shall be developed at the ‘national, regional and State levels’.*”

On 17.07.2009, the Ministry of Home Affairs, Government of India had written to the Principal Secretary (Prison)/Secretary (Home) (In-charge of Prisons) - All State Governments / UTs DGs/ IGs incharge of prisons- All State Governments / UTs, wherein it had emphasised the large number of judgments delivered by the Hon’ble Supreme Court with regard to the prison

administration and the jail system prevalent in India. It had further made certain recommendations as under:-

- (i) Establishing well equipped training infrastructure in the State, with adequate skilled and well qualified instructional staff, to cater to the normal needs of basic and in-service training for the prison staff in different discipline.
- (ii) Creating adequate posts for prison staff as per norms in different categories, commensurate with operational needs of safe custody, reformation, rehabilitation, health care, legal assistance etc.
- (iii) Filling up all the vacancies, presently running up to 17.58% (in 2006) within time bound frame and ensure proper cadre management through timely trainings, promotions, recruitments etc.

Over the decades, the Hon'ble Supreme Court has rushed to the rescue of the prisoners. The Apex Court has not only given the protection of Article 21 of the Constitution of India to the prisoners, but has also emphasized on the penological philosophy of reformation, and rehabilitation of the prisoners. It has, thus, stressed on the need for having a well-trained prison staff, who would cater to the needs of the prisoners on a full-time basis.

Recently, in the case of *Inhuman Conditions In 1382 Prisons, In re [(2018) 18 SCC 777]*, keeping in mind the dire necessity of reforming in prison administration, and the prison management, the Hon'ble Supreme Court has constituted a Supreme Court Committee on "Prison Reforms" consisting of :

(i) Hon'ble Mr. Justice Amitava Roy, a former Judge of the Supreme Court as its Chairperson, (ii) Inspector General of Police, Bureau of Police Research and Development as its Member, and (iii) Director General (Prisons) Tihar Jail, New Delhi as its Member. The Committee has made the following recommendations with regard to the staffing patterns in the jails:

“Recruitment of Staff

The Hon'ble Court may issue following directions in this regard:-

(a) *All State Governments will hold special recruitment drives to fill up the existing vacancies in different ranks with the following timelines.*

(i) *In case of regular recruitment against permanent vacancies, the recruitment process should start within three months and should be completed within one year in the maximum.*

(ii) *All promotional vacancies should be filled up within six months”.*

At the International level, the United Nations has issued the “*Nelson Mandela Rules*”, which deal with the “*Standard Minimum Rules for the Treatment of Prisoners*”. As mentioned hereinabove, these Rules prescribe the

accepted good principles, and practices in the treatment of prisoners and prison management.

Since India is a member of the United Nations, these Rules are equally binding on the country. Therefore, neither these Rules, nor the recommendations of the various Committees, nor the letter issued by the Ministry of Home Affairs, Government of India dated 17.07.2009, can possibly be ignored by the State.

All these recommendations, and Rules are in conformity with the great transformation, which has occurred in the theory of punishment: from the theory of "*Retribution And Deterrence*", we have come to the age of "*Reformation and Rehabilitation of Prisoners*". These Committee recommendation and the Nelson Rules emphasize the need for carefully selecting the prison personnel, for providing rigorous training, both prior to their joining the service, and subsequent thereto, of the appointment being a full-time, regular appointment. It is only when these factors are inculcated in the prison administration that the prison system succeeds in protecting, reforming and rehabilitating the prisoners. Otherwise, it is a self-defeating proposition.

Needless to say, the purpose of the Police is not to reform, or to rehabilitate, but to prevent the occurrence of crime, and to punish the criminals. Therefore, the very training of a police personnel is carried out with a different purpose in mind, and with different goals prescribed by law. Thus, there is a vast difference in the philosophy that permeates the police

administration, and the jail administration. Hence, even their training and the psychology of the police personnel and prison personnel are poles apart.

The State is directed to immediately fill up the posts of Senior Superintendent and Superintendent of Jail either through direct recruitment, or through promotion. Since the Rules permit ad-hoc promotion as a temporary measure, even ad-hoc promotions may be granted by the State till regular promotions are made. The said exercise shall be carried out as expeditiously as possible and preferably within one month from the date of receiving the certified copy of this judgment.

2. *In Special Appeal No. 150 of 2021, Uttarakhand Waqf Board and another vs. Mausin and others*, decided on 07.05.2021, the Hon'ble Court observed that briefly the facts of the case are that the petitioner, Mr. Mausin, claimed to be an Elected Ward Member of Ward No.2, Nagar Panchayat Piran Kaliyar. In order to safeguard the interest of the Nagar Panchayat, he had filed the writ petition, wherein he had challenged the advertisement dated 19.03.2021, issued by the Manager, Dargah Piran Kaliyar (respondent no.3 before the Writ Court). The advertisement was issued for inviting applications and tenders from various persons and firms for granting the contract for running the parking lot and Tehbazari (the area which is leased out for petty shops and petty commercial activities to be carried out by the people), which were scheduled to be constructed by respondent no.3. The petitioner was of the opinion that the parking lot and Tehbazari can be leased out only by the Nagar Panchayat. And, more importantly, the parking lot fees can be levied and collected only by the Nagar Panchayat. Therefore, the petitioner filed the writ petition challenging the

legality of the advertisement dated 19.03.2021. The learned Single Judge, as mentioned hereinabove, allowed the writ petition, and quashed the advertisement dated 19.03.2021. Hence, the present appeal before this Court.

It was observed that, Admittedly, the subject property belongs to the Dargah, as it is a parcel of land which is attached to the Dargah. Thus, the subject property is neither vested in, nor entrusted to the Nagar Panchayat, the respondent no.2. In fact, the property is a waqf property which has been dedicated under a *Waqfnama* to the Almighty. Even the Management Committee is merely a trustee of the property.

The Hon'ble Bench discussed the various relevant provisions in the order; Article 243-W of the Constitution of India, Section 293 of the Uttarakhand Municipalities Act, 1916, Section 293A of the Uttarakhand Municipalities Act, 1916, Rule 19 of the Rules, 2014, Rule 20 of the Rules, 2014, Rule 21 of the Rules, 2014.

A bare perusal of these provisions clearly reveal that the Waqf Board does have the power to lease out any of the immovable properties for certain purpose, which are enumerated in Rule 19(i) to (v) of the Rules, 2014.

Rule 20 of the Rules, 2014 imposes prohibition on the use and occupation of leased property and prohibits the lessee from using the property for any purpose other than the purpose agreed upon between the parties. Moreover, it imposes the ban that no waqf property shall be given on lease for purposes which are against '*shariat*' such as gambling, or lottery, or sale of

liquor, or other intoxicants. Furthermore, Rule 20(2) prohibits the lessee from raising any structure on the leased premises without due approval of the Board.

Rule 21(1) of the Rules, 2014 deals with the rights and liabilities of the lessee and the powers of the lessor. A bare perusal of Rule 21(5) clearly reveals that it is the responsibility of the lessee to seek necessary permission from the local authorities, prior to raising any construction of any structure on the leased premises. Therefore, the responsibility to seek such a permission, has not been imposed upon the lessor, but has been imposed, singularly, upon the lessee.

The issue before this Court is whether the power to levy fees on the parking lot lies with the Nagar Panchayat or with the Dargah?

A bare perusal of the relevant provisions of law, mentioned hereinabove, clearly reveal that as long as the property belongs to the Dargah, and is a waqf property, which is neither vested in, nor entrusted with the Nagar Panchayat, the Dargah would be free to levy the fees on the parking lot. The power to levy the fees, and to collect the same is not bestowed upon the Nagar Panchayat. Therefore, the appellants were justified in issuing the advertisement dated 19.03.2021.

Single Bench Judgements

1. ***In Writ Petition (S/S) No. 273 of 2020, Karam Singh vs. State of Uttarakhand***, decided on 04.05.2021, the Hon'ble Court observed that it is the case of the petitioner that in the month of July, 1995, he was appointed as Patwari (the Revenue Sub Inspector). Since the date of his appointment, he has been discharging his duties efficiently. As per the Recruitment and Promotion Rules prevalent and applicable, the promotional post of Patwari is Kanoongo (Revenue Inspector). On 07.11.2019, the petitioner was directed to join training of Kanoongo. He was relieved by the District Magistrate on 18.11.2019 for joining the training, which he joined at the Training Centre, Almora. The training was for a period of three months, which was to come to an end on 15.02.2020.

It is further the case of the petitioner that pursuant to the Government Order dated 20.02.2020 and 24.07.2019, a Screening Committee was constituted, which on 18.11.2019, in paragraph 8 of its report, considered the case of the petitioner and recommended that the petitioner should not be compulsorily retired and should be allowed to continue beyond 50 years. But again, suddenly, on 17.01.2020, the petitioner was compulsorily retired without giving him any notice.

On the other hand, learned counsel for the State would submit that the entire exercise is not mala fide or arbitrary. The service record has been examined before passing the impugned order.

The provision of compulsory retirement is contained in the Financial

Handbook Volume-II, Part II-IV. The provision is as hereunder:-

“56 (a) Except as otherwise provided in this rule, every Government servant shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that a Government servant, whose date of birth is the first day of a month, shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years:

Provided further that a Government servant, who has attained the age of fifty-eight years on or before the first day of the November, 2001 and is on extension in service, shall retire from service on expiry of his extended period of service.

.....
.....

(C) Notwithstanding anything contained in Clause (a) or Clause (b). the appointing authority may, at any time, by notice to any Government servant (whether permanent or temporary), without assigning any reason, require him to retire after he attains the age of fifty years or such Government servant may, by notice to the appointing authority, voluntarily retire at any time after attaining the age of forty five years or after he has completed qualifying service for twenty years.

(c) The period of such notice shall be three months:
Provided that:-

.....
.....
.....”

A bare perusal of Rule 56, as quoted hereinabove reveals that the appropriate authority has absolute right to retire any government servant in the *public interest*.

The settled position of law is that the decision of the appropriate authority should not be easily interfered with. The decision should not be put to challenge unless arbitrary, mala fide, bias etc. are shown to have infringed the decision. It

is an executive function, but then the procedure and decision making process are always subject to judicial review. The appropriate authorities cannot function de hors of any rules and regulations. The procedure has to be followed. After all, it is a matter of putting an end to an employment of the employee, who had served the State for some length of time.

In paragraph 16 of the writ petition, the petitioner has stated that his case was considered on 18.11.2019 and the Committee had recommended his continuation and also opined that it is not a fit for compulsory retirement. This decision was approved by the District Magistrate. In their counter affidavit, State has no specific denial to it. In fact, in para 12 of its counter affidavit, the State has simply stated that the decision to compulsory retire the petitioner was taken after considering the entire service record. There is no reply to the minutes of Screening Committee dated 18.11.2019 and decision taken thereon, as stated by the petitioner.

State has not given any reply in their counter affidavit as to how after once having assessed the case of the petitioner on 18.11.2019, again his case was taken up for consideration on 10.01.2020.

As stated, the Government Order dated 20.02.2002 at Sl. No. 6 gives a time table for the proceedings of the Screening Committee and as per the sub-Clause (2) to it, the Screening Committee will sit each year. It does not provide that the Screening Committee may take up the matter at any point of time. It also does not provide that the screening committee may sit at the interval of two

months.

The recommendation of the screening committee dated 18.11.2019 has been filed by the petitioner, as Annexure 7 to the petition. It begins with that vide Letter No. 218 of 24.07.2019 of the Chief Secretary, State of Uttarakhand directions were given for convening the meeting of Screening Committee.

The minutes of the Screening Committee dated 10.01.2020 has been filed by the State alongwith its counter affidavit, which is Annexure 3. In the first paragraph of it, reference to letter no. 218 dated 24.07.2019 of the Chief Secretary has been given and it is stated that if meeting of Screening Committee had not been convened in the year 2019-2020 then, let it be so convened and the narration further speaks that pursuant to it, the meeting of the Screening Committee was held on 10.01.2020. But, this narration itself is wrong because the Screening Committee had, in fact, convened its meeting pursuant to letter no. 218 dated 24.07.2019 of the Chief Secretary, State of Uttarakhand on 18.11.2019, which is Annexure 7 to the writ petition and at Sl No. 8, the case of the petitioner had already been considered in it. It records that the adverse confidential remarks 1998-1999, 2003-2004, 2004-2005 and 2007-2008 as well as the report of the Sub Divisional Magistrate dated 09.09.2019 was also considered and thereafter, the Screening Committee concluded that the petitioner should not be compulsorily retired. These proceedings are not denied.

The respondent State in its counter affidavit, in para 3 has stated that the petitioner completed 50 years of age on 31.10.2019. His case was reviewed by

the Screening Committee on 18.11.2019 and while doing so, the report of Sub Divisional Magistrate dated 09.09.2019 was considered alongwith ACRs for the year 1998-1999, 2003-2004, 2004-2005 and 2007-2008. In view of the Government Order dated 20.02.2002, after one year again the case of the petitioner could have been considered by the Screening Committee, but it was considered just after two months on 10.01.2002. It is not provided under any Rules or any guidelines. The Government Order dated 20.02.2002 does not provide for it. How the review was again done just after two months? There is no answer to it by the State Government. Hence, it is procedural impropriety and it vitiates the decision. Therefore, this Court is of the view that the impugned order is bad and it deserves to be set aside.

The writ petition is allowed.

Impugned order dated 17.01.2020 is set aside.

2. In Criminal Revision No. 364 of 2019, Babu vs. State of Uttarakhand, decided on 04.05.2021, it was held by the Hon'ble Court that facts necessary for disposal of the instant revision, briefly stated, are that on 23.06.2006, a police party was on the patrolling duty, when they suspected the revisionist and apprehended him. 15 tortoises were recovered from his possession, which he had kept in a bag. Based on it, an FIR was lodged and investigation carried out and a challani report was submitted before the Court. Based on the challani report, the cognizance was taken. After furnishing copies of the police documents, on 17.08.2006 charge under Section 39 read with 51 of the Act was framed against the revisionist, to which he denied and claimed the trial.

After hearing the parties, by the impugned judgment and order dated 04.10.2013, the revisionist was convicted and sentenced, as stated hereinbefore. The appeal preferred against it also stood dismissed. Aggrieved by it, the instant revision.

Learned counsel for the revisionist would also argue that there is a violation of mandatory provision of the Act in the instant case because the cognizance of the offence under the Act could have been taken on a complaint as required under Section 55 of the Act, but in the instant case, it is argued, that the cognizance has been taken on a challani report, which is bad in the eyes of law and it vitiates the entire trial. Therefore, the revisionist deserves to be acquitted on this ground alone.

On behalf of the State, learned counsel would submit that if an FIR is lodged under the provision of the Act, investigation may be carried out and even if a complaint is not filed, it will not make any difference.

Now, there are two legal questions which have been raised on behalf of the revisionist. They are : (i) non compliance of Section 50(4) of the Act; and (ii) non-compliance of Section 55 of the Act.

The question to be answered is : if cognizance is not taken on a complaint or is taken on a challani report, does it also vitiate the entire trial? Will it have the effect of reversing the finding of conviction and recording a finding of either acquittal or remanding the matter for *de novo* trial. Irregularities, which are committed during the course of trial and its effects have been provided under the Code.

Chapter XXXV of the Code deals with it. A reference may be made to Section 460(e) and 461(k) which are as under:-

“460. Irregularities which do not vitiate proceedings. – If any Magistrate not empowered by law to do any of the following things, namely:-

(a)...

(e) to take cognizance of an offence under clause (a) or clause (b) of sub-section (1) of Section 190.

..... erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.”

* * *

“461. Irregularities which vitiate proceedings. – If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely:-

(a)...

(k) takes cognizance of an offence under clause (c) of sub- section (1) of Section 190.

..... his proceedings shall be void.”

A mere distinction between these two clauses would reveal that even if a Magistrate not empowered to take cognizance, takes cognizance under clause (a) or clause (b) of sub-section (1) of Section 190 of the Code, the proceeding shall not be set aside merely on that ground alone. It means, if there is a complaint or a police report and cognizance is taken on it by a Magistrate not empowered, this solely does not vitiate the trial. But, if the Magistrate is not empowered and he *suo motu* takes cognizance, then in view of Section 461(k) of the Code, the proceedings shall be void. This is just a distinction between cognizance taken on police report or complaint and cognizance taken *suo motu* by a Magistrate not empowered to do so.

The phrase “failure of justice” is, in fact, very important in determining the effect of error. If the effect of error results in a “failure of justice”, the finding, sentence or order may be reversed or altered. But, if error does not entail in a “failure of justice”, it will have no effect.

What is “failure of justice”? What if a mandatory provision of law is violated during investigation or at the trial? Does it automatically result in a “failure of justice”?

The principles of law as laid down by the Hon’ble Supreme Court in various cases, clearly settle the law that any procedural irregularity may not automatically vitiate any trial. In fact, this is what Section 465 of the Code provides. “failure of justice” has to be shown. “failure of justice” is something more than a mere procedural irregularity. If in a case, principles of natural justice have not been followed; accused was not heard or he was not provided an opportunity to defend himself; or he was not told of the charges which he was to face in the trial; or he was not given opportunity to rebut the presumption that could have been taken against him in the trial, it may perhaps be argued that it has occasioned in a “failure of justice”.

An irregularity has, in fact, been committed in the trial of the case. It should have been based on a complaint, but it proceeded on a chargesheet. The procedure for trial for a complaint case is different than the procedure for trial of the cases based on a police report. But, both the trials, either on a police report or on a complaint, gives sufficient opportunity to an accused to defend his case. In the instant case, after filing of challani report, the cognizance was taken and the

revisionist was given copies, as required under Section 207 of the Code. He was given all the material that was collected during the investigation, including the challani report. Thereafter, charges were framed against him. He was categorically told that on 23.06.2006 at 08:30, tortoisies were recovered from his custody, to which he denied. All the witnesses were cross-examined by the revisionist. The revisionist was given an opportunity to explain the circumstances appearing against him in the evidence by recording his statement under Section 313 of the Code. The revisionist did not choose to adduce evidence in his defence. Therefore, this Court is of the view that mere non-compliance of Section 50(4) and 55 of the Act does not vitiate the trial in the instant case.

In view of the foregoing discussion, this Court is of the view that there is no reason to make any interference in the conviction recorded in the case, as confirmed in the appeal.

3. ***In Bail Application No. 55 of 2020, Shahrukh vs. State of Uttarakhand***, decided on 08.06.2021, the Hon'ble Court observed that as per the prosecution story in the FIR, the applicant was wearing a sweater and a shirt and on being searched by the aforesaid Gazetted Officer, it was found that under his shirt four boxes of the aforesaid contrabanded injection were found being hidden and each box carried five strips of the injections, in it, with one strip having five injections in it; that means the total injections, which were recovered from the body in person of the applicant, were total 100 injections, and their volume capacity was of 2 ml each,

with the chemical composition of the contrabanded salt to be 0.3 mg. in each injection, and hence, in the recovery memo, it was depicted that as per the said combination of the salt, it was about 0.600 mg. of Buperonorphine, the contrabanded salt, which was found to have recovered out of the said injection from the applicant. During the course of investigation, the applicant has informed and made a statement too, that he had brought these contrabanded articles/injection from Purkaji and all along the way till he was apprehended by the police team at Malak Chungi, he had sold some of the injections to the students and on the way and he has recovered money from them after the sale of them. The applicant further informed the Gazetted Officer in the presence of the police party headed by Mr. Sanjay Singh Negi, the Sub-Inspector, that apart from the contrabanded, injections recovered from his possession, on person of the applicant, there was a carton in the diggi of the vehicle bearing Registration No.UK08 AP 3105, which was being driven by the applicant and when the police party seized the said carton from the rear of the vehicle; it was checked by the police party; in the presence of Gazetted Officer and it was found that the carton was having 36 boxes and each box was carrying 25 injections, which were the restricted psychotropic substances and as per the determination of the combination of the prohibited salt it was found that a total of 0.540 mg. of restricted salt, was found in possession of the applicant, being carried without any authority with him. Accordingly, the applicant was arrested on the spot on 15.12.2019, and the recovery memo was prepared in the light of torch and the head lights of the vehicle, because it was dark. The recovery memo was signed by the present applicant and he was taken in custody and rest of the articles for example purse, mobile and the cash, which was being carried by him were recovered and taken

into custody and fard baramadgi was prepared by the police party at police station.

The applicant had preferred a bail application before the court of Special Judge, NDPS and the said bail application was rejected by the order of 20.12.2019; observing thereof that the restricted injections, which were numbered as 1000 injections, which were found from the possession of the applicant, they are included as Item No.169, in the Schedule of list of contrabanded goods described under the Act and the quantity thus recovered from the possession of the applicant, was much above the commercial quantity, as has been specified under the Act, which limits its maximum quantity to be 20 grams, but since the recovery itself was beyond the commercial quantity the bail application was rejected. Hence, the present bail application.

When the present bail application before this Court, was preferred on 02.01.2020, the principal ground, which was taken by the applicant for seeking his release on bail, was that the factum of recovery being made from the car, after the same being intercepted by the police team, and the search being carried in the presence of the Circle Officer, the recovery of 1000 injections, were the facts which were not denied. But the applicant qualified the pleadings for the grant of bail on the ground that his implication in the commission of the aforesaid offence is false, and as a matter of fact, he has been made as a scapegoat, for the reason being that there was no independent witness of the alleged recovery, which was carried by the police team, and there was non compliance of Section 50 and 51 of the NDPS Act. Another ground, which was initially taken by the applicant in the bail application, was that there was a non

compliance of the provisions contained under Section 100 (4) of Cr.P.C., as all the witnesses of the alleged recovery were the police personnel and their recovery and recovery memo exclusively, cannot be relied with, though we cannot lose sight of the fact that the recovery memo thus prepared in the presence of the Gazetted Officer, was duly endorsed by the applicant and he had rather confessed his guilt of having carrying the contrabanded goods in the presence of the Gazetted Officer and he took a plea that he was not carrying any criminal history. At this juncture, this Court feels it to be necessary to deal with the pleadings raised by the applicant in the supplementary affidavit which was filed on 02.11.2020, wherein the additional plea was raised by the applicant for the first time to the following effect:-

- (i) That there was no video recording made of the alleged search, seizure and arrest.
- (ii) The so called, call details, as amongst the members of the team of police officials, calling the Circle Officer for effecting search and seizure under Section 50 of the Act, was not provided to him.

There are two aspects of the matter, which this Court feels it to be necessary, to deal with at this stage itself, that as far as the reference made by the applicant to the judgment of the Coordinate Bench of this Court necessitating the propriety of video recording of the instances of search and seizure, as has been laid down in the judgment of Ashok Chauhan. As far as this Court is concerned, if the said reference is taken into consideration, as it has been dealt with in para 15 of the said judgment reported in **(2018) 2 UD 191 Ashok**

Chauhan vs. State of Uttarakhand, para 15 of the said judgment is referred to hereunder:-

“15. Before parting, this Court intends to observe that, in many cases relating to N.D.P.S. Act, First Information Report is being lodged in cyclostyle manner. For example, while patrolling, the police party suddenly finds a suspicious person, who, after seeing the police party, tries to flee away. Police party apprehends that person immediately. In most of cases, no independent witness is found. Though, search is made by the Gazetted Officer; but, again, in almost every case, he happens to be the police officer. Compliance is shown to be made but question arises whether in absence of independent witness, innocent person can be implicated falsely? In such a situation, possibility of innocent person being implicated cannot be ruled out. Police party, apprehending the accused, even do not bother to enquire from that person the name of the person from whom he purchased the contraband. In almost every case, accused persons happen to be carrier and, on the basis of F.I.R. and evidence of police personnel, they are convicted. Now-a-days still cameras and video cameras are easily available and videography of alleged recovery showing the involvement of the accused can easily be done, which is being done in most of the cases when arrest is made under the provisions of Prevention of Corruption Act. This aspect can be looked into. Therefore, I direct that a copy of this order be sent to the Home Secretary of the State and Director General of Police, Uttarakhand forthwith for taking necessary action.”

This Court is of the view that the Coordinate Bench in its judgment while dealing with the issue regards the necessity of getting a video recording

of the arrest in the NDPS cases too, it was not made as a mandatory rule of the proceedings, but rather it was only directory in nature in view of the findings which has been recorded in para 15 (as highlighted above), which has been referred to above. There the Court has only expressed an opinion and an expectation, that to prevent the corruption, it would be advisable to direct the Director General of Police of State of Uttarakhand, for taking necessary action for getting the video recording; meaning as per my view thereby it was not a positive directive, but rather it was the instructions for the State to comply with para 15 of (page 4) of supplementary affidavit.

As far as the circumstances of the present case is concerned and as quite elaborately, this Court has already dealt with the arguments, which had been extended by the counsel for the present applicant, few apparent facts are:-

- i. The recovery of a contraband was beyond the prescribed commercial quantity.
- ii. The recovery was beyond the prescribed commercial quantity provided under serial no.169 of the Schedule, appended to the NDPS Act.
- iii. The seizure of the injections which were about 1000, in number was made by the Gazetted Officer under Section 50 of the Act, and in the presence of the applicant, after taking his consent by the Gazetted Officer, in the light of the provisions contained under Section 50 and he himself has endorsed the recovery memo by fortifying the fact of the recovery having being made from him and in possession; in his I- 20 car.

- iv. That to, when the applicant has been taking a somersaulted stand and in distinction, of the various stages, where the bail application was being considered by the courts and particularly that to by way of supplementary affidavit which was filed by the applicant developing the case of animosity with Jahid Ali, whom the applicant alleges to be a drug peddler and since he was got arrested, on a complaint of his father, the present case has been developed against him with a malice. The case which cannot be believed at this stage, particularly as there is no material on record and it was developed by the applicant for the first time by way of supplementary affidavit before the High Court.
- v. Even let us for the time being presumed for the sake of argument that on the complaint of the applicant's father, Jahid Ali, the drug peddler was arrested, it cannot be ruled out that the present applicant and the other drug peddlers that is Jahid Ali and Parvej, were indulged in commercially dealing with the Narcotics and particularly in the instant case, when recovery is beyond the commercial quantity, then the provisions of Section 37 of the NDPS Act, would come into play, which is quoted hereunder.

“[37. Offences to be cognizable and non-bailable.—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

- (i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and
- (ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.]

Section 37 of the NDPS Act, poses a restriction on the courts while considering the bail application in those cases where the recovery of the contraband is beyond the commercial quantity. Hence, on an over all scrutiny of the case as mentioned above, this Court extracts the implications of Sub Section (1) of Section 37 and it was found that this is not a fit case in which the bail could be granted.

4. ***In Bail Application First No. 2111 of 2020, ,Rajan vs. State of Uttarakhand,*** decided on 11.06.2021, the Hon'ble Court observed that the applicant, herein, to the present Bail Application, is alleged to be engaged in the commission of the offences under Sections 363, 366-A, 376 (2) (dha) of the IPC and Section 5 (Tha) (a)(ii)/6 of the POCSO Act, 2012, which was registered against him, on 17.07.2020, at Police Station Piran Kaliyar, District Haridwar, by way of Case Crime No. 73 of 2020.

The case of the applicant, for the purposes of seeking bail and his consequential release, from his alleged involvement in the commission of the said offences, is that, though he admits the fact that he is named in the FIR and the prosecutrix/Shalu, who on the date of the commission of the offence, was shown in the FIR, to be a student of Class-XII and was shown to be of 17 years of age. According to his case, she was major. He further submitted that no offence as such, which has been complained of in the FIR, would be made out against him, under the POCSO Act, once the factum of the prosecutrix being major on the date of commission of offence is established. In continuation to his argument, he further submits, that the prosecutrix, since being a consenting partner, and having voluntarily entered into the physical relationship, as a consequence of which, she has conceived and became pregnant, hence, the offence under Section 376 (2) (Dha) of the IPC, would not be made out against him, because since the factum of having become pregnant was not divulged in the set of allegation levelled in the FIR.

He submits, that in order to substantiate his argument it was that the prosecutrix was major on the date of the commission of the offence; for the said purposes, he makes a reference and places reliance on the date of birth, as was recorded in the family register, which according to the applicant, is recorded and shown to be 17th December, 2001, whereas, the complainant's case is that the prosecutrix, who was a student of class- XII, and since as per the school records, her date of birth was 7th July, 2003, hence, according to the complainant, on the basis of the date of birth, which was recorded in the school records, she was

minor and the offence complained of would be specifically made out against the applicant.

The facts of the case, were that the incident had chanced in the night of 14th July, 2020, when it was alleged by the complainant that his daughter Shalu, who was minor, has been enticed by the applicant and she had eloped with him and later on, on getting and collecting the necessary information, he has registered an FIR on 17.07.2020, and the applicant was later on arrested on 19th July, 2020.

In the pathological report, which was placed on record, the factum of pregnancy was also proved to be positive and that fact of conception of pregnancy was even got established by the statement of the Medical Officer of the Government Hospital, Roorkee, District Haridwar, who had examined the prosecutrix. The chargesheet has been submitted, being **Charge Sheet No. 73 of 2020, dated 16th August, 2020**, where the Investigating Officer has recorded, that after examination of as many as 13 witnesses, he has reported that the offence stood established against the present applicant, for the offences which were complained of against him in the FIR.

The controversy, which has been argued, while pressing the Bail Application, as it has been agitated by the learned counsel for the applicant, was to the effect that, in fact, no offence as complained of could be said to be established against the applicant, for the reason being that the family register since being an authentic document, would fall to be public document, which would be readable in evidence, as per the Section 35 of the Evidence Act.

This argument of the learned counsel for the applicant cannot be accepted by this Court at this stage, for the purposes of placing credence on the family register for the purposes of considering the bail application, in the absence of being able to establish, that it falls to be a document within the domain of being a public record and also because on account of the failure to show any statutory provisions or any authority under which, the family register has been itself statutorily prepared to be read in evidence, which otherwise in common parlance is read for the purposes of revenue entries, for revenue matters and family lineage.

Alternatively, he has also argued, that if Section 8 of the **Registration of Birth and Death Act, 1969**, is taken into consideration, in that eventuality too, the family register could be read in evidence. This Court is afraid and is not in agreement, to accept this argument too for the reason that the provisions contained under Section 7 of the Registration of Births and Deaths Act, 1969, itself contemplates that it is a legal embargo, which has been casted upon a person, to get mandatorily register birth and death before the Registrar, as defined under Section 7 of the Act, who has, and has been made to be an officer competent and appointed by the State Government for the purposes of registration of birth and death.

The family register does not fall to be a document, which could be covered on a conjoint reading of Section 7 and 8 of the Act of 1969. Hence, this argument cannot be accepted.

Even the definition clause, as contained under Sub-section (d) of Section 2

of the POCSO Act of 2012, defines “child” as under :-

“(d) “Child” means any person below the age of eighteen years;

Under Sub-section (2) of Section 2, of the POCSO Act of 2012, it provides that where the expression used in the definition clause of the Act, does not deal with this particular situation in its complete manner, in that eventuality, the definition or the expressions which has been given under the IPC, Cr.P.C., Juvenile Justice Act of 2000, and the Information and Technology Act, that will have the same meaning assigned to the said Codes to be made applicable for the offences, which are committed and are being tried, under the POCSO Act of 2012. Sub-section (2) of Section 2 of the POCSO Act of 2012, reads as under:-

“(2) the words and expression used herein and not defined but defined in the Indian Penal Code (45 of 1860), the Code of Criminal Procedure, 1973 (2 of 1974), the Juvenile Justice (Care and Protection of Children) Act, 2000 (56 of 2000) and the Information Technology Act, 2000 (21 of 2000) shall have the meaning respectively assigned to them in the said Codes or the Acts.”

Even otherwise also, logically in common parlance also and in normal social life also, wherever a controversy emerges, pertaining to the determination of date of birth of a person, its always the date of birth, which is recorded in the High School Certificate, which is taken and readily accepted, as to be the basis for determining the date of birth or age, which in the present circumstances of the case, and as per the school records, the date of birth of the prosecutrix since being 11th July, 2003, the prosecutrix was determined to be

minor on the date of commission of the offence, i.e. on 14th July, 2020, and hence, the offences, which are complained of, seems to be prima facie made out, against the applicant, under the POCSO Act.

Hence, this Court is not inclined to grant bail to the present applicant. Hence, the Bail Application is rejected.

5. *In Writ Petition (S/S) No. 640 of 2021, Rakesh Singh vs. State of Uttarakhand and others along with connected cases*, decided on 11.06.2021, the Hon'ble Court observed that in all these writ petitions, the petitioners are the persons, who are claiming a writ of mandamus, whereby they have prayed for commanding the respondents for regularizing their services, as a consequence of their appointment which was under the U.P. Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974, though on a daily wage basis, which is contrary to the rules, and as per the law laid down by the Courts, in that regard.

It is a settled law, that as far as the law of compassionate appointment, which emanates from the U.P. Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974, is concerned, it is a welfare Legislation, which was legislated under Article 309 of the Constitution of India, for the purposes to meet out an emergent contingency, which has befallen upon the family, on account of the sad demise of the sole breadwinner of the family though grant of appointment is based on the satisfaction of some preconditions. Hence, the Rules contemplated for providing an immediate

benefit to sustain the family, which has been brought to a sudden crisis on account of the death of sole breadwinner. However, these aspects pertaining to the impact of the welfare legislation, may not be a question for consideration in these writ petitions, for the reason being that the petitioners admittedly had already been granted appointment, as against the respective date of appointment, on compassionate ground, but on a daily wages, on which undisputedly they are presently working.

The contention of the petitioners in the writ petitions, are that under the U.P. Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974, an appointment contemplated under the U.P. Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974, has had to be compulsorily on the regular basis and it could not be the daily wage appointed, under the compassionate Rules of 1974, they cannot be appointed on a daily wages basis and this is a ratio, which has been propounded by the judgment reported in **2000 (1) UPLBEC, 719, “Ajay Kumar Sharma Vs. State Government of U.P. and others”**. The relevant paragraph where this principle has been governed is extracted hereunder:-

“5. Needless to mention that appointment in Dying in Harness Rules cannot and should not be temporary or *ad hoc* as it will frustrate the very purpose of the rules, namely to save the family from distress”.

2005 (1) UD, page 379, “Bhaguli Devi Vs. State of Uttaranchal & others”.

The aforesaid judgment is to the effect that the appointments which are made on compassionate ground, is a substantive appointment, and it would be presumed that such an appointment granted under the Rules of 1974, would

be treated to be as against a regular vacancy.

Based on the aforesaid principle, since the petitioners appointment right from the date of their initial appointment ought to have been made on a regular basis on compassionate grounds and not on the daily basis, hence at this stage, this Court is of the view that since the petitioners had sought a writ of mandamus, for which they have already represented their respective claims, before the respondents by way of filing a representation respectively, the respondent no.5, is directed to take a decision on the representations of the petitioners for regularizing their services and also for the grant of service benefits admissible to a regularly appointed employee, consequent thereto, but preferably within a period of two months from the date of production of a certified copy of this judgment.

MAJOR ACTIVITIES OF SLSA DURING THE PERIOD OF
APRIL, 2021 TO JUNE, 2021

MULTIPURPOSE LEGAL LITERACY-CUM-MEDICAL CAMP AT
JAULJIBI FAIR PITHORAGARH:

On 04th April, 2021, a Multi-purpose/New Module Legal Service Camp was organized in the Jauljibi Regional Fair organized at District Pithoragarh. The said camp was organized as per the Hon'ble Executive Chairman, UKSLSA, Nainital. The said multipurpose camp was chaired by the Hon'ble Executive Chairman, UKSLSA Nainital. The Member Secretary, UKSLSA and District Judge/Chairman & Secretary, DLSA Pithoragarh were also present in the said multipurpose camp. Hon'ble the Executive Chairman, UKSLSA Nainital has inform the participants that every citizen should be aware about their rights and obligations. Aware people can protect their rights easily. Legal Services Institutions have been constituted/established to ensure Access to Legal Services to the common mass in a free and easy way.

In the above Multi-purpose camp, total **1109 people** were get benefited by providing them Wheelchair, Spectacles, Hearing Aid, Blanket & Shawls, medical check-up, medicines including heart patients medical check-up.

Instead of above, **425 people** were benefited providing/issuing them Income, Caste, Domicile, Character, Disability, Death, Birth, B.P.L. Certificates, Copy of Family Register, Widow, Old Age, abandonment Pension Applications, workers registration, renewal of workers registration, Aadhar Card etc.



**LEGAL LITERACY CAMPAIGN DRIVE THROUGH MOBILE
VAN/VIDHIK SEVA RATH:**

From 01 April, 2021 to 08th April, 2021, eight (08 Days) campaign drive was conducted in the remotest villages of district Pithoragarh through Mobile Van/Vidhik Seva Rath. During the said period Legal Literacy Camps were organized in 24 villages situated in remote areas of district Pithoragarh, urban areas of the district were also covered during the campaign. During the legal literacy camps common mass were sensitized by displaying Documentary Films made on Mediation Mechanism, Permanent Lok Adalat, Free Legal Services provided by the Legal Services Institutions in the State of Uttarakhand.



MULTIPURPOSE LEGAL AWARENESS CAMP AT GOVT. JR. HIGH SCHOOL, BACHHAM, BAGESHWAR:

DLSA, **Bageshwar** has organized a Multipurpose Legal Awareness Camp on 04th April, 2021 at Govt. Junior High School, Bachham, Bageshwar. The said camp was chaired by the District Judge/Chairman, DLSA Bageshwar. In the Camp different Government Departments have set-up their stalls and benefitted the common mass attended the said camp. Total 20 Farmers have filled the form to get *Kisan Samman Nidhi*. 154 people were benefitted by providing them medicine by the Medical Department. During the camp Hans Foundation, an NGO have conducted medical checkup and distributed them medicines etc. as per their requirement. Total 50 Workers were benefitted by filling their forms for registration with Labour Department. 25 persons have got their Ration Card. All the Participants were also sensitized about Govt. Welfare Schemes run by the Social Welfare Department and Labour Department etc. Legal Aid Information System (LAIS) and Legal Services Management System (LSMS) developed by the UKSLA and NALSA respectively was also informed to the participants.



CELEBRATION OF “WORLD ENVIRONMENT DAY”

As per direction of Uttarakhand SLSA and Plan of Action for the month of June, 2021, ‘World Environment Day’ was observed throughout the State of Uttarakhand. During the day District Legal Services Authorities of the State have organized Plantation Programme, Legal Literacy Camps and Webinars.

Brief report about the activities such as Plantation Programmes, Webinars, Legal Literacy Camps organized by the District Legal Services Authorities and PLVs enrolled with the DLSAs is as under:-

ALMORA

On the occasion of “**World Environment Day**” Secretary DLSA Almora including PLVs of the DLSA has conducted plantation on 05th June, 2021 programme at 13 places in the district.

BAGESHWAR

On the occasion of “**World Environment Day**” on 05.06.2021 PLVs enrolled with DLSA Bageshwar has conducted plantation at about 16 places in the district. On the theme of ‘Benefits of Plantation’ 01 Nukkad Natak was also displayed by the PLVs of the district.

CHAMOLI

PLVs of DLSA Chamoli have conducted 06 Plantation programmes at 06 places of District Chamoli on the occasion of “**World Environment Day**” on 05.06.2021.

CHAMPAWAT

During the “**World Environment Day**” on 05.06.2021 the Plantation programme was organized at 13 places by the DLSA, Champawat & PLVs and different kinds of plants were planted in the district.

DEHRADUN

PLVs enrolled with DLSA, Dehradun have planted different kind of plants within their deputed areas in the district during the occasion of “**World Environment Day**” on 05.06.2021.

HARIDWAR

Secretary, DLSA and PLVs enrolled with DLSA have carried out plantation activities at 04 places of the district during the 05.06.2021 on the occasion of “**World Environment Day**”.

NAINITAL

DLSA, Nainital organized a webinar on the occasion of “**World Environment Day**” and PLVs of the district have conducted plantation during the day on 05.06.2021.

PAURI GARHWAL

TLSC, Kotdwar have organized plantation programme within Tehsil Kotdwar on the occasion of “**World Environment Day**” on 05.06.2021. Live Webinar was also conducted by DLSA Pauri Garhwal.

PITHORAGARH

Plantation programme was held by the PLVs enrolled with DLSA Pithoragarh at 04 places of the district on 05.06.2021 during “**World Environment Day**”.

RUDRAPRAYAG

“**World Environment Day**” was observed on 05.06.2021 and during the day Plantation programme was conducted by the Chairperson and Secretary, DLSA & PLVs at 20 places in district Rudraprayag.

TEHRI GARHWAL

Total 25 Plantation campaign was held throughout district Tehri Garhwal during the day 05.06.2021 on the “**World Environment Day**”. The said programme was organized by the Secretary, DLSA and PLVs of the District.

UDHAM SINGH NAGAR

DLSA, U.S. Nagar and 65 PLVs of the district have conducted plantation activities and different kind of plants was planted during the said plantation drive on 05.06.2021 on the occasion of “**World Environment Day**”.

UTTARKASHI

In order to observe “**World Environment Day**” Secretary, DLSA Uttarkashi and PLVs has planted different kind of plants at about 31 places throughout District Uttarkashi on 05.06.2021.

OBSERVATION OF “INTERNATIONAL DAY AGAINST DRUG ABUSE AND ILLICIT TRAFFICKING ”

On 26.06.2021 the DLSAs have observed “**International Day against Drug Abuse And Illicit Trafficking**” in the State of Uttarakhand. The said programme was conducted by the DLSAs as per directions of UKSLSA in the Plan of Action for June, 2021. During the day District Legal Services Authorities have organized online Legal Literacy Programmes/Webinars.

To observe “**International Day Against Drug Abuse And Illicit Trafficking**” DLSA Almora organized a Webinar on 26.06.2021



Secretary, DLSA, **Bageshwar** organized a webinar to observe **International Day Against Drug Abuse And Illicit Trafficking**” on 26.06.2021.



PLVs of DLSA, **Champawat** organized Legal Awareness Camp to observe “**International Day Against Drug Abuse And Illicit Trafficking**” on 26.06.2021



On 26.06.2021 to observe “International Day Against Drug Abuse And Illicit Trafficking” a programme was organized by the DLSA **Dehradun** & PLVs in cooperation with other departments & NGOs.



Secretary, DLSA **Pithoragarh** conducted a webinar on 26.06.2021 through Google Meet with Judicial Officers, Panel & Retainer Lawyer, PLVs in order to observe “International Day Against Drug Abuse And Illicit Trafficking”.



LEGAL AID INFORMATION SYSTEM (LAIS) PORTAL

As per directions and guidance of Hon’ble the then Chief Justice/Patron-in-Chief, Uttarakhand SLSA, Nainital, a web based application (open source) namely **LEGAL AID INFORMATION SYSTEM (LAIS)** has been developed to access services of legal aid and to monitor the activities being carried out through legal aid easily and efficiently. The said ambitious web application aims to provide free legal aid to the needy people and other concerned stakeholders.

District wise pendency of the cases and other Data in the Online Portal (<https://uklegalaidservices.uk.gov.in/>) which is available for Panel Lawyers, PLVs and also for every needy/common mass is as under:

कानूनी सहायता जानकारी प्रणाली (LAIS)
उत्तराखण्ड राज्य कानूनी सेवा प्राधिकरण (UKSLSA)

[होम](#) [हमारे बारे में](#) [हमसे संपर्क करें](#) [वर्तमान आवेदन स्थिति](#) [व्यवस्थापक तॉग इन](#) [सहायता](#)

<p>कुल आवेदन स्थिति</p>	<p>HCLSC / SLSA आवेदन</p>	<p>जिले के अनुसार लंबित आवेदन</p>	<p>ऑनलाइन शिकायत का पंजीकरण करें</p> <p>विनत वकीलों की सूची</p> <p>PLVs की सूची</p> <p>संगठन व्यवस्था</p>																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>मामला संख्या</th> <th>न्यायपीठ आईडी</th> <th>तारीख</th> <th>स्थिति</th> </tr> </thead> <tbody> <tr> <td>WPCRL/443/2020</td> <td>1054</td> <td>2021-04-06</td> <td>P</td> </tr> <tr> <td>WPCRL/2251/2018</td> <td>1021</td> <td>2019-05-23</td> <td>D</td> </tr> <tr> <td>CRLA/610/2019</td> <td>1063</td> <td>2020-09-03</td> <td>P</td> </tr> <tr> <td>CRJR/4/2014</td> <td>1057</td> <td>2020-07-22</td> <td>D</td> </tr> <tr> <td>CRLA/237/2015</td> <td>1056</td> <td>2019-09-17</td> <td>P</td> </tr> <tr> <td>WPCRL/1511/2019</td> <td>1067</td> <td>2020-08-20</td> <td>D</td> </tr> </tbody> </table>	मामला संख्या	न्यायपीठ आईडी	तारीख	स्थिति	WPCRL/443/2020	1054	2021-04-06	P	WPCRL/2251/2018	1021	2019-05-23	D	CRLA/610/2019	1063	2020-09-03	P	CRJR/4/2014	1057	2020-07-22	D	CRLA/237/2015	1056	2019-09-17	P	WPCRL/1511/2019	1067	2020-08-20	D	<p>जिला - कानूनी सहायता केस रिकार्ड</p>	<p>उच्च न्यायालय - केस स्थिति</p>
मामला संख्या	न्यायपीठ आईडी	तारीख	स्थिति																											
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WPCRL/1511/2019	1067	2020-08-20	D																											

इस वेबसाइट के कानूनी सहायता सेवा © 2019 सभी सुरक्षित अधिकार के अंतर्गत आते हैं। यह साइट उत्तराखण्ड के उच्च न्यायालय द्वारा विकसित एवं चलाया जाता है। इस वेबसाइट पर प्रकाशित विभिन्न त्रिक एवं विषय वस्तु उत्तराखण्ड राज्य कानूनी सहायता सेवा प्राधिकरण (UKSLSA) द्वारा प्रबंधित तथा बनाए गए हैं। इस वेबसाइट से संबंधित विषय वस्तु की जानकारी के लिए, कृपया संबंधित विभाग से संपर्क करें।

REGIONAL CONSULTATION (NORTHERN ZONE) OF STATE LEGAL SERVICES AUTHORITIES WITH NALSA

Regional Consultation (Northern Zone) of State Legal Services Authorities was held from 14th June, 2021 to 18th June, 2021 through virtual mode. The Hon'ble Executive Chairman and Member Secretary, Uttarakhand SLA, Nainital have attended the said consultation on 14.06.2021.



Dehradun has conducted meeting and awareness programme on 25.06.2021.

The said programme was attended by the Chairman and Members of Permanent Lok Adalat, Chief Managers of Union Bank of India, AXIS Bank of India, Bank of Baroda etc. In the said programme participants were sensitized about the easy & amicable settlement of the cases related to Banking & Financial matters.

स्थाई लोक अदालत में की जा सकती है एक करोड़ रुपये तक के विवादों की अपील

गोल्डन कार्ड से क्लेम न मिला तो स्थाई लोक अदालत आइए

देहरादून | अंकित चौधरी

जनोपयोगी सुविधा में विवाद या गड़बड़ी है तो आप स्थाई लोक अदालत में जाकर से समाधान पा सकते हैं। गोल्डन कार्ड से इलाज या क्लेम नहीं मिलने के मामले भी समने आ रहे हैं। ऐसे मामले में भी वहां अपील की जा सकती है। इसके लिए कोर्ट फीस या अधिवक्ता का शुल्क भी चुकाना नहीं होगा। वहां समाधान अर्द्ध सिविल कोर्ट के मुकाम पर काफ़ी कम है। उत्तराखंड में स्थाई लोक अदालतें चार जिलों में चल रही हैं, जिनमें देहरादून, हरिद्वार, नैनीताल और यूएसनगर हैं। शुक्रवार को जिला स्थाई लोक अदालत के अध्यक्ष (एडीजे) राजीव कुमार ने आमजन को मिलने वाली सुविधाओं की जानकारी दी। उन्होंने बताया कि, स्थाई लोक अदालत 2019 से चल रही है। इसकी जानकारी बहुत कम लोगों को है। जरूरी सेवा विवाद में लोग सिविल कोर्ट



एडीजे राजीव कुमार | ● देहरादून

खान को वापस मिली आधी से ज्यादा कोचिंग फीस
एडीजे के अनुसार, कुछ माह एक छात्र के हित में कोचिंग संस्थान में दी गई फीस लेकर अपील की। उन्होंने कोचिंग संस्थान को सितंबर की 85 हजार रुपये फीस दी। उनका बेटा जिस परीक्षा की तैयारी कर रहा था, उसके लिए 12वीं में 70% अंक जरूरी है। बेटे के इतने अंक नहीं आए थे। संस्थान ने पहले अंक कम आने पर फीस लौटाने की बात कही। बाद में इनकार कर दिया। कोर्ट ने खान को 50 हजार रुपये कोचिंग संस्थान से वापस दिला। बीते माह में 16 वार्डों का समाधान कर लोगों को 36.66 लाख रुपये प्रतिफल दिलाया गया। हाल ही में अंततः सुनवाई की प्रक्रिया शुरू कर दी गई है।

इस तरह के मामलों का होता है समाधान

- बांधू, सड़क, रेत, जलमग्न सेवा मामले
- डक-नार या टैरीफोन सेवा मामले
- ऐसे विभाग, जो बिजली-पानी देते हों
- लोक सभाई या स्वच्छता प्रणाली
- अस्पताल या औषधालय की सेवा
- बैंकिंग, फाइनेंसियल एवं बीमा सेवा
- स्कूल-कॉलेज या कोचिंग संस्थानों से जुड़े मामलों का भी निस्तारण होता है।
- अवाय और भू-संबंध सेवा से जुड़े हुए मामलों में भी होती है सुनवाई

सम्पान को कोषिया को जाती है। कई बार मामले नहीं निपटते हैं तो तब्यों पर निर्णय लिए जाते हैं। इसके फैसलों पर अपील नहीं की जा सकती। ट्रायल समर्थ बहुत कम रखा गया है। औरतान तीन से पांच महीने में बाद का निस्तारण किया जाता है। वहां एक करोड़ रुपये तक के विवादों को सुनवाई का प्रावधान है। पर किसी कोर्ट में अपील न की गई हो।

➤ **खाभियां दूर हों** केन 12

इंश्योरेंस कंपनियों को देना होगा मुआवजा

लोक अदालत देहरादून, कर्चालय संवाददाता

सुनवाई

- दो अलग-अलग मामलों में लोक अदालत ने सुनवाई फैसला
- कार की भरमत्त और छोड़ी की मौत के मामले में सुनवाई

स्थाई लोक अदालत ने सुनवाई करते हुए दो मामलों में इंश्योरेंस का भुगतान नहीं करने पर कंपनी को दोषी माना है। लोक अदालत ने दो ऑरियेंटल इंश्योरेंस कंपनी लिमिटेड और एचडीएफसी एगो जनरल इंश्योरेंस कंपनी को बीमा को धनराशि भुगतान के आदेश दिए हैं। स्थायी लोक अदालत के फैसले के अनुसार, उमेश ने मई 2017 में परधन बीमा के अंतर्गत ही ऑरियेंटल इंश्योरेंस कंपनी लिमिटेड से दो छोड़ियों का बीमा कराया था। शिकायतकर्ता ने पंजाब नेशनल बैंक से इसके आर्थिक हानि के रूप में 10 हजार रुपये शिकायतकर्ता को देने होंगे। एक अन्य मामले में शिकायतकर्ता प्रेमलता ने शिकायत दर्ज कराई थी कि 18 जून 2019 को वह कार से दून से हरिद्वार जा रही थीं। मोटोपूर फाटक के पास मिनी बस ने कार को टक्कर मार दी। डीडी मोटोर्स में क्लेम फार्म भरकर दिया, जिस पर भरमत्त के लिए एक लाख 96 हजार आठ सौ 51 रुपये का एस्टिमेट तैयार किया गया। बीमा कंपनी ने उनका क्लेम 21 नवंबर 2019 को खारिज कर दिया। इस मामले में सुनवाई कर लोक अदालत ने एचडीएफसी एगो जनरल इंश्योरेंस कंपनी को दोषी मानकर कहा कि कंपनी को छह फीसद ब्याज के साथ एक लाख 65 हजार नौ सौ 20 रुपये, शारिरीक और मानसिक संवेदना के 10 हजार और वाद व्यय 10 हजार रुपये देने होंगे।

STATISTICAL INFORMATION**STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN
THE STATE OF UTTARAKHAND
DURING THE PERIOD FROM APRIL, 2021 TO JUNE, 2021**

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	01	169	97	1,96,73,523	-	97
02	BAGESHWER	01	22	08	19,46,000	-	08
03	CHAMOLI	01	82	38	58,75,977	-	38
04	CHAMPAWAT	01	80	18	-	-	18
05	DEHRADUN	-	-	-	-	-	-
06	HARDWAR	-	-	-	-	-	-
07	NAINITAL	01	489	292	4,14,38,162	-	292
08	PAURI GARHWAL	01	333	146	48,03,047	-	146
09	PITHORAGARH	01	244	128	1,79,22,867	-	128
10	RUDRAPARYAG	01	42	20	33,09,805	-	20
11	TEHRI GARHWAL	-	-	-	-	-	-
12	UDHAM SINGH NAGAR	01	1737	565	13,18,45,455	-	565
13	UTTARKASHI	01	109	74	51,23,698	-	74
14	HCSLC, NAINITAL	01	171	48	4,63,41,840	-	48
15	UKSLSA,NTL	-	-	-	-	-	-
	Total	11	3478	1434	27,82,80,374	-	1434

**STATEMENT SHOWING THE PROGRESS OF CAMPS
ORGANIZED IN THE STATE OF UTTARAKHAND
FOR THE PERIOD FROM APRIL, 2021 TO JUNE, 2021**

S. No.	Name of District	No. of Camps Organized	Total No. of Persons Benefited in Camps
01	ALMORA	08	242
02	BAGESHWER	17	452
03	CHAMOLI	22	187
04	CHAMPAWAT	06	197
05	DEHRADUN	05	490
06	HARDWAR	23	1502
07	NAINITAL	26	1612
08	PAURI GARHWAL	05	404
09	PITHORAGARH	19	2469
10	RUDRAPARYAG	07	350
11	TEHRI GARHWAL	02	136
12	UDHAM SINGH NAGAR	12	475
13	UTTARKASHI	07	108
14	HCLSC, NAINITAL	-	-
15	UKSLSA, NAINITAL	-	-
	Total	159	8624

**STATEMENT SHOWING THE PROGRESS OF LEGAL AID AND
ADVICE/COUNSELING PROVIDED IN THE STATE OF
UTTARAKHAND
FOR THE PERIOD FROM APRIL, 2021 TO JUNE, 2021**

S. No.	Name of District	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Other Service
01	ALMORA	17	06
02	BAGESHWER	01	18
03	CHAMOLI	05	04
04	CHAMPAWAT	06	-
05	DEHRADUN	63	-
06	HARDWAR	87	207
07	NAINITAL	40	23
08	PAURI GARHWAL	14	02
09	PITHORAGARH	04	-
10	RUDRAPARYAG	02	11
11	TEHRI GARHWAL	36	11
12	UDHAM SINGH NAGAR	66	41
13	UTTARKASHI	16	-
14	HCLSC, NAINITAL	-	-
15	U.K. S.L.S.A., N.T.L.	-	12
	TOTAL	357	335

PROGRAMMES/ACTIVITIES INSIDE JAIL CAMPUS
(APRIL-2021 TO JUNE-2021)

S.N.	District	Lok Adalats organized in Jails		Legal Literacy Camps organized in Jails		Legal Aid provided to Under Trial Prisoners	Jail Visits
		No. of Lok Adalats organized	No. of cases disposed off	No. of camps organized	Benefited persons	No. of benefited Under Trial Prisoners	Total No. of Jail visit
1	ALMORA	-	-	01	200	11	04
2	BAGESHWAR	-	-	-	-	-	-
3	CHAMOLI	-	-	-	-	01	-
4	CHAMPAWAT	-	-	01	33	05	01
5	DEHRADUN	-	-	01	300	33	01
6	HARDWAR	-	-	01	50	75	01
7	NAINITAL	-	-	05	225	36	04
8	PAURI GARHWAL	-	-	01	177	09	01
9	PITHORAGARH	-	-	03	195	03	01
10	RUDRAPARYAG	-	-	01	40	-	-
11	TEHRI GARHWAL	-	-	01	127	30	01
12	U. S. NAGAR	01	13	01	85	46	02
13	UTTARKASHI	-	-	01	70	09	-
14	H.C.L.S.C., NTL	-	-	-	-	-	-
	Total:-	01	13	17	1502	258	16

**STATISTICAL INFORMATION IN RESPECT OF PERMANENT LOK
ADALATS**

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

(APRIL-2021 TO JUNE-2021)

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

S.N.	Permanent Lok Adalat	Number of Sitzings	No. cases pending as on 31.03.2021	No. of cases received during the period	No. of cases settled during the period	Total Value/Amount of Settlement (Rs.)
1	Dehradun	21	280	180	01	-
2	Haridwar	06	15	01	01	-
3	Nainital	05	121	02	02	32,130
4	U.S. Nagar	06	148	02	03	-
	Total:-	38	564	185	07	32,130

**STATISTICAL INFORMATION IN RESPECT OF CASES SETTLED
THROUGH MEDIATION
(APRIL-2021 TO JUNE-2021)**

- (A) Total Number of ADR Centres : **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) : **101**

DISPOSAL

S.N.	DESCRIPTION	TOTAL
A	No. of cases received during the month	217
B	Cases settled through Mediation	43
C	Cases returned as not settled	137

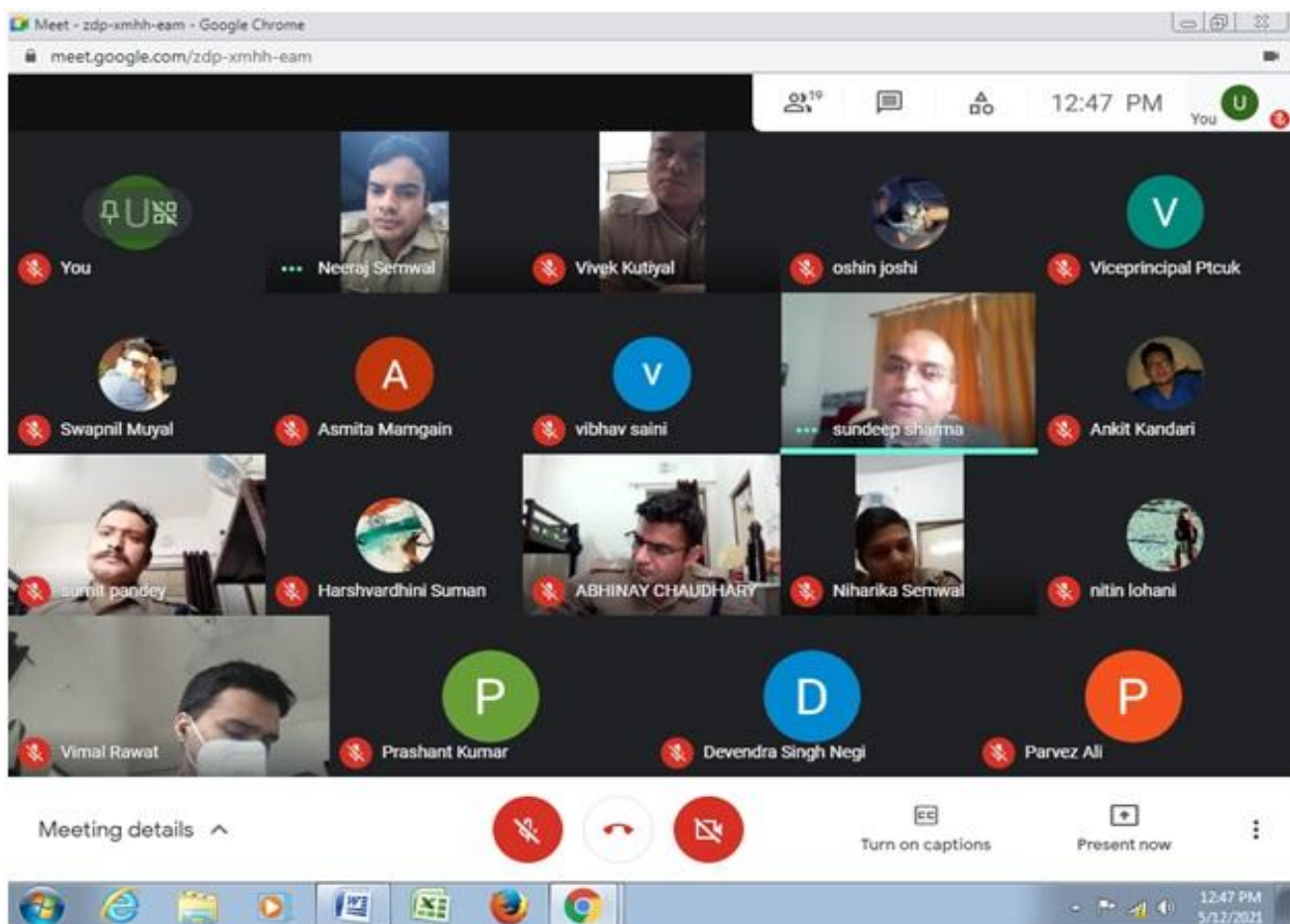
D	Non-starter cases which were returned as mediation could not commenced	41
E	No. of Connected cases	-
F	No. of Cases pending at the end of the month	338

**STATISTICAL INFORMATION IN RESPECT OF VICTIM
COMPENSATION SCHEME U/S 357A Cr.P.C.**

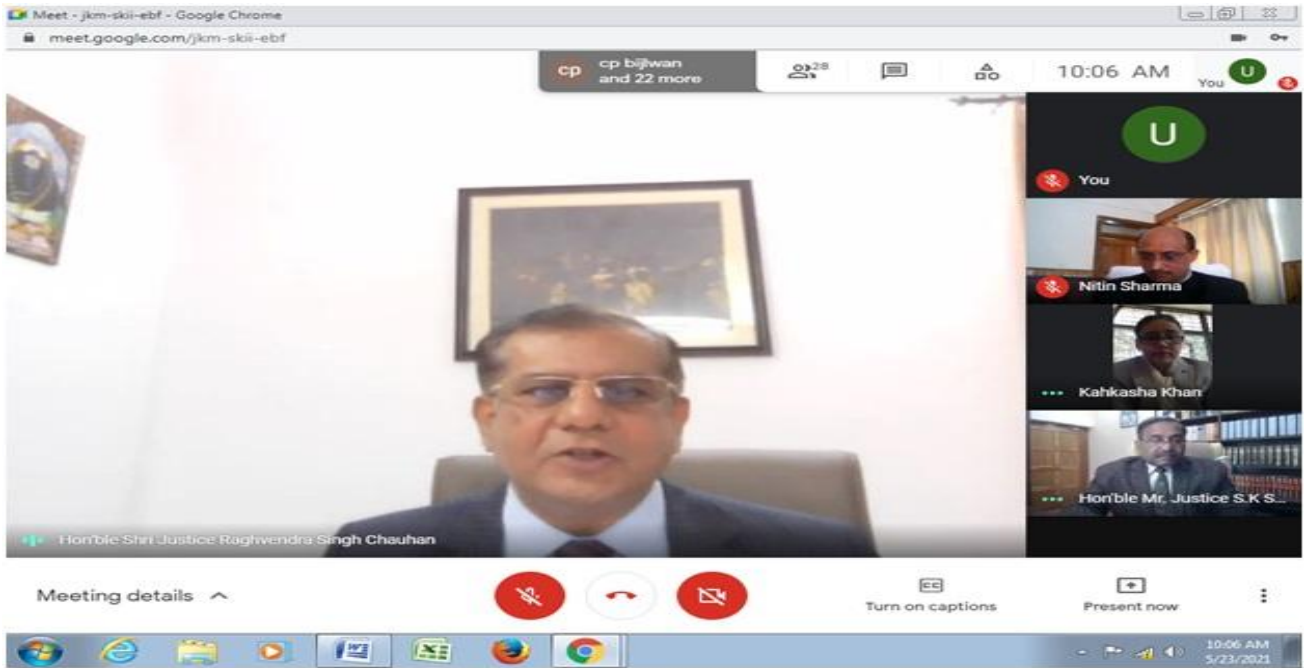
(APRIL-2021 TO JUNE-2021)

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.)
04	07	11	05	49	6,85,000

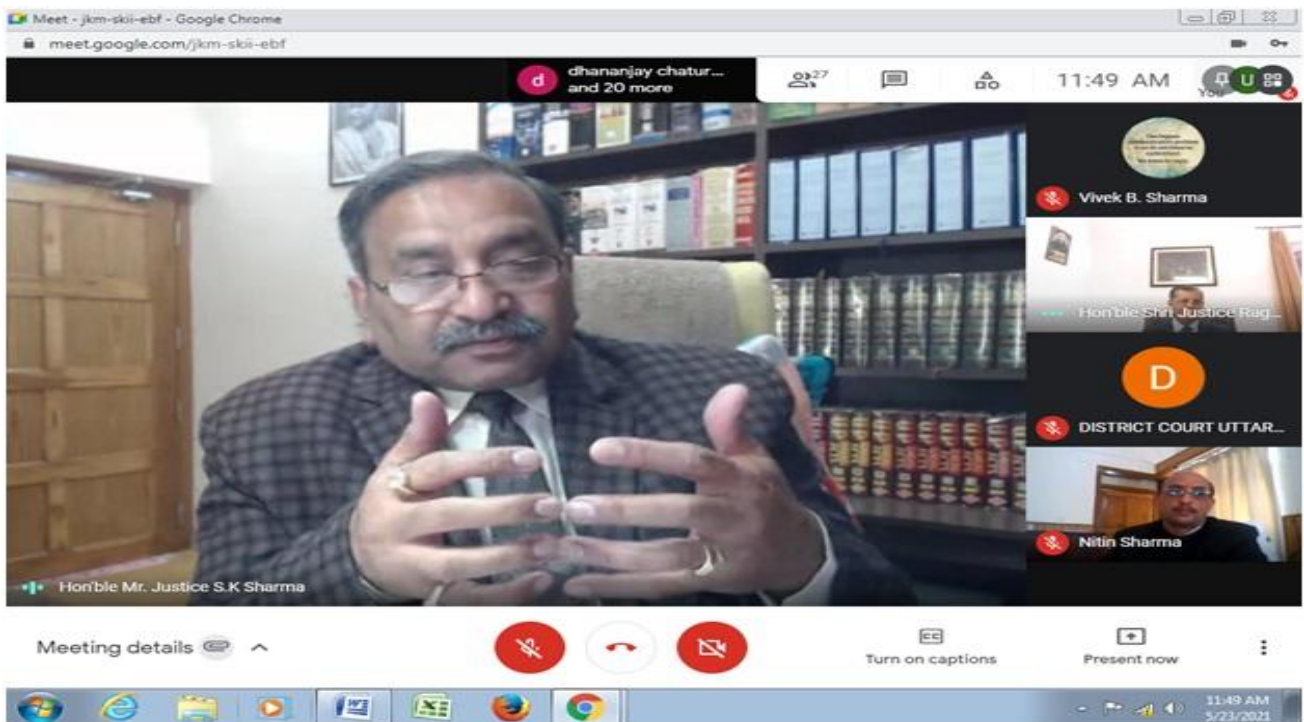
TRAINING PROGRAMMES HELD IN THE PERIOD OF
APRIL, 2021 TO JUNE, 2021
AT
UTTARAKHAND JUDICIAL AND LEGAL ACADEMY,
BHOWALI, NAINITAL



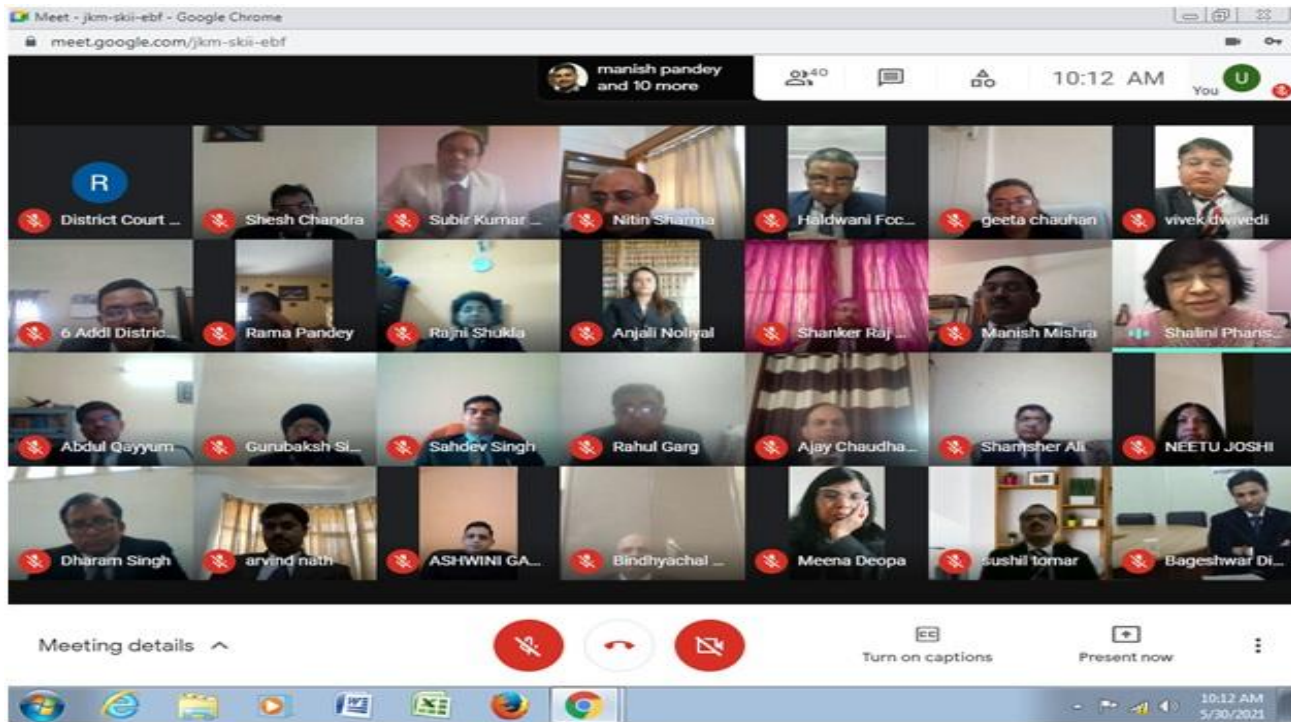
Training on 'Service Jurisprudence & Disciplinary Proceedings' & 'Criminal Justice Administration under CrPC' for Deputy Superintendents of Police (DSPs)/ Homeguards Commandants Cadre Officers (online mode) held from 18.05.2021 to 20.05.2021.



Training Programme on Gender Sensitization (1st Phase) online mode held on 23.05.2021



Training Programme on Gender Sensitization (1st Phase) online mode held on 23.05.2021



Training Programme on Gender Sensitization (2nd Phase) online mode held on 30.05.2021.



Workshop on Civil Laws for Civil Judges (Sr. Div. & Jr. Div.) (2nd Phase) online mode held from 01.06.2021 to 05.06.2021.



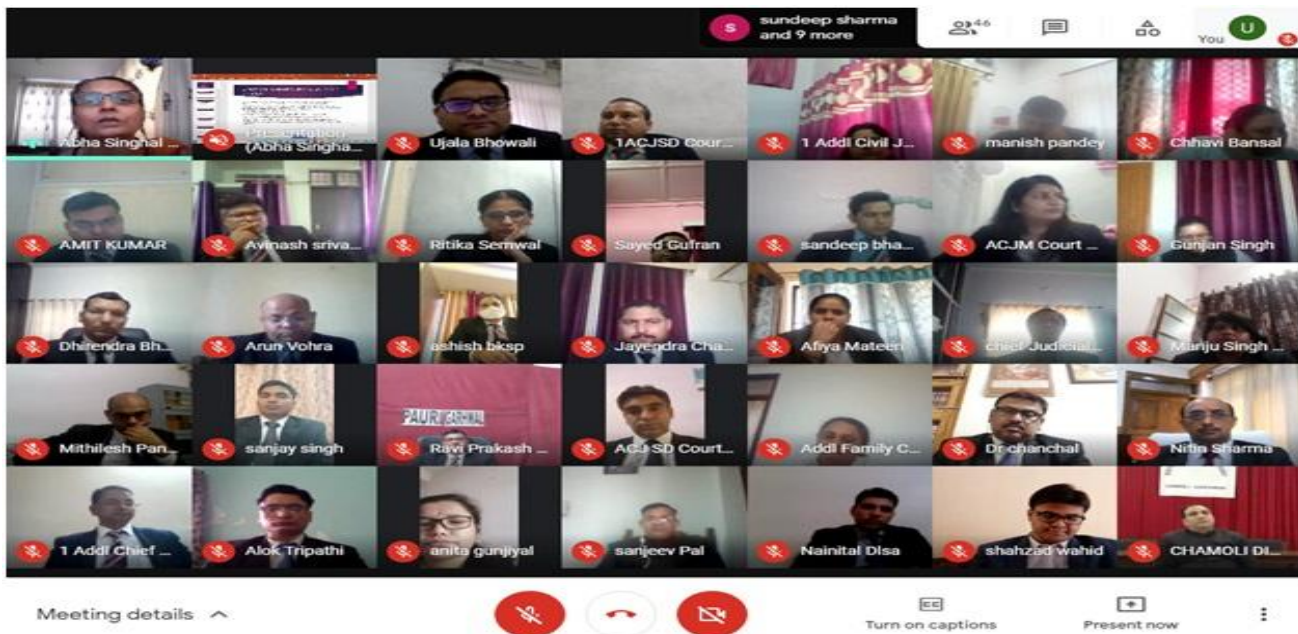
Workshop on issues relating to Criminal Laws for CJM's /ACJM's/Judicial Magistrates (1st Phase) online mode held from 01.06.2021 to 05.06.2021



Training Programme on Gender Sensitization (3rd Phase) online mode held on 06.06.2021.



Training Programme on Gender Sensitization (4th Phase) online mode held on 12.06.2021.



Training Programme on Gender Sensitization (5th Phase) online mode held on 13.06.2021.



Workshop on issues relating to Criminal Laws for CJM's/ACJM's/Judicial Magistrates (2nd Phase) online mode held from 15.06.2021 to 19.06.2021.



Foundation Training Programme for Newly Appointed Civil Judges (Jr. Div.), 2018 Batch (Final Phase) Physical mode held from 16.06.2021 to 08.08.2021.



Training Programme on Gender Sensitization (6th Phase) online mode held on 20.06.2021.



Training Programme on Gender Sensitization (7th Phase) online mode held on 27.06.2021.



Training Programme for Members of Permanent Lok Adalats of all Districts at Expenses of NLSA/UKSLSA (online mode held from 29.06.2021 to 30.06.2021).

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**HIGH COURT OF UTTARAKHAND****(From 01.04.2021 to 30.06.2021)**

						Pendency		
						(As on 01.04.2021)		
						Civil Cases	Criminal Cases	Total Pendency
						23513	15684	39197
Institution			Disposal			Pendency		
(01.04.2021 to 30.06.2021)			(01.04.2021 to 30.06.2021)			(As on 30.06.2021)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.21
1208	1766	2974	789	1396	2185	23932	16054	39986

DISTRICT COURTS**(From 01.04.2021 to 30.06.2021)**

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.2021
		Opening Balance as on 01.04.21	Institution from 01.04.21 to 30.06.21	Disposal from 01.04.21 to 30.06.21	Pendency at the end of 30.06.21	Opening Balance as on 01.04.21	Institution from 01.04.21 to 30.06.21	Disposal from 01.04.21 to 30.06.21	Pendency at the end of 30.06.21	
1.	Almora	404	107	88	423	1130	480	323	1287	1710
2.	Bageshwar	175	18	19	174	434	65	48	451	625
3.	Chamoli	359	81	32	408	927	354	226	1055	1463
4.	Champawat	253	21	7	267	1559	1099	736	1922	2189
5.	Dehradun	12260	1058	854	12464	87165	29534	29954	86745	99209
6.	Haridwar	11496	342	120	11718	55598	4436	2087	57947	69665
7.	Nainital	2671	275	239	2707	20579	2109	1362	21326	24033
8.	Pauri Garhwal	1111	49	48	1112	4867	346	326	4887	5999
9.	Pithoragarh	551	43	54	540	2171	259	231	2199	2739
10.	Rudraprayag	132	28	39	121	841	178	319	700	821
11.	Tehri Garhwal	421	99	60	460	2825	806	368	3263	3723
12.	Udham Singh Nagar	5445	268	212	5501	45495	5369	4085	46779	52280
13.	Uttarkashi	562	68	67	563	1636	635	292	1979	2542
	Total	35840	2457	1839	36458	225227	45670	40357	230540	266998

FAMILY COURTS
(From 01.04.2021 to 30.06.2021)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.2021
		Opening Balance as on 01.04.21	Institution from 01.04.21 to 30.06.21	Disposal from 01.04.21 to 30.06.21	Pendency at the end of 30.06.21	Opening Balance as on 01.04.21	Institution from 01.04.21 to 30.06.21	Disposal from 01.04.21 to 30.06.21	Pendency at the end of 30.06.2021	
1.	Almora	120	3	8	115	140	0	10	130	245
2.	Dehradun (Pr.J.F.C)	1394	76	748	722	564	74	384	254	976
3.	Dehradun (J.F.C)	0	539	6	533	0	363	0	363	896
4.	Dehradun (Addl. J.F.C.)	700	9	51	658	634	3	35	602	1260
5.	Rishikesh	393	15	1	407	312	2	0	314	721
6.	Vikasnagar	178	13	17	174	277	4	17	264	438
7.	Nainital	271	12	15	268	410	9	24	395	663
8.	Haldwani	600	33	28	605	916	19	20	915	1520
9.	Haridwar	951	64	80	935	1092	75	60	1107	2042
10.	Roorkee	928	109	39	998	1103	45	10	1138	2136
11.	Laksar	138	10	19	129	177	17	11	183	312
12.	Kotdwar	251	14	28	237	384	37	34	387	624
13.	Pauri Garhwal	106	14	11	109	126	8	24	110	219
14.	Tehri Garhwal	100	10	8	102	60	3	1	62	164
15.	Rudrapur-1 U.S.Nagar	578	55	180	453	626	23	162	487	940
16.	Rudrapur-2 U.S.Nagar	0	152	4	148	0	148	0	148	296
17.	Kashipur	563	62	27	598	537	40	25	552	1150
18.	Khatima	245	20	16	249	295	17	3	309	558
	Total	7516	1210	1286	7440	7653	887	820	7720	15160

TRANSFER AND PROMOTIONS OF THE JUDICIAL OFFICERS

Sl. No.	Name & Designation of the Officer	Place of Transfer	Date of Order
1.	Shri Prem Singh Khimal, Secretary (Law)-cum-LR, Government of Uttarakhand, Dehradun.	District and Sessions Judge, Udham Singh Nagar.	08.04.2021
2.	Shri Narendra Dutt, District and Sessions Judge, U.S. Nagar	District and Sessions Judge, Chamoli.	08.04.2021
3.	Shri Shrikant Pandey, 2 nd Additional District and Sessions Judge, Dehradun	District Judge, Rudraprayag.	08.04.2021
4.	Shri Yogesh Kumar Gupta, Judge, Family Court, Haridwar.	Additional District and Sessions Judge, Vikasnagar, Dehradun.	08.04.2021
5.	Shri Shanker Raj, 3 rd Additional District and Sessions Judge, Dehradun.	1 st Additional District and Sessions Judge, Dehradun.	08.04.2021
6.	Shri Gurubaksh Singh, 4 th Additional District and Sessions Judge, Dehradun.	1 st Additional District and Sessions Judge, Roorkee, Haridwar	08.04.2021
7.	Shri Dharam Singh, 5 th Additional District and Sessions Judge, Dehradun.	1 st Additional District and Sessions Judge, Rishikesh, Dehradun	08.04.2021
8.	Shri Subir Kumar, 6 th Additional District and Sessions Judge, Dehradun.	1 st Additional District and Sessions Judge, Kashipur, U.S. Nagar.	08.04.2021
9.	Shri Sushil Tomar, 1 st Additional District and Sessions Judge, Roorkee, Haridwar	1 st Additional District and Sessions Judge, U.S. Nagar	08.04.2021
10.	Smt. Neena Aggarwal, Additional District and Sessions Judge/ FTSC, POCSO, Roorkee, Haridwar.	Registrar (Inspection), High Court of Uttarakhand, Nainital.	08.04.2021

11.	Shri Brijendra Singh, Judge, Family Court, Nainital.	2 nd Addl. District and Sessions Judge, Dehradun	08.04.2021
12.	Shri Manoj Garbyal, 7 th Additional District and Sessions Judge, Dehradun.	3 rd Additional District and Sessions Judge, Dehradun.	08.04.2021
13.	Shri Vinod Kumar, 1 st Additional District and Sessions Judge, Kashipur, U.S. Nagar.	2 nd Additional District and Sessions Judge, Kashipur, U.S. Nagar.	08.04.2021
14.	Mohd. Sultan, 2 nd Additional District and Sessions Judge, Haldwani, Nainital	Additional District and Sessions Judge/ FTSC POCSO, Roorkee, Haridwar	08.04.2021
15.	Smt. Shadab Bano, Registrar (Inspection), High Court of Uttarakhand, Nainital	2 nd Additional District and Sessions Judge, Rudrapur, U.S. Nagar.	08.04.2021
16.	Shri Naseem Ahmad, Additional District and Sessions Judge, Vikas Nagar, Dehradun	2 nd Additional District and Sessions Judge, Haldwani, Nainital.	08.04.2021
17.	Shri Sanjeev Kumar, 1 st Additional District and Sessions Judge, Rudrapur.	Registrar, High Court of Uttarakhand, Nainital.	08.04.2021
18.	Smt. Vijay Lakshmi Vihan, ADJ / FTC / POCSO, Rudrapur, U.S. Nagar.	Additional District and Sessions Judge, Ranikhet, Almora.	08.04.2021
19.	Smt. Reena Negi, 4 th Additional District and Sessions Judge, Haridwar.	ADJ / FTC / POCSO, Rudrapur, U.S. Nagar.	08.04.2021
20.	Shri Chandra Mani Rai, 2 nd Additional District and Sessions Judge, Rudrapur.	4 th Additional District and Sessions Judge, Dehradun.	08.04.2021
21.	Shri Ritesh Kumar Srivastava, 5 th Additional District and Sessions Judge, Haridwar.	4 th Additional District and Sessions Judge, Haridwar.	08.04.2021
22.	Shri Ashutosh Kumar Mishra, Additional Director, UJALA.	5 th Additional District and Sessions Judge, Dehradun.	08.04.2021
23	Shri Manish Kumar Pandey, Additional District and Sessions Judge, Almora.	Additional Director, UJALA vice Shri Ashutosh Kumar Mishra.	08.04.2021

24	Shri Shivakant Dwivedi, 2 nd Additional District and Sessions Judge, Rishikesh, Dehradun.	Additional District and Sessions Judge/ FTSC POCSO, Rudrapur, U.S. Nagar.	08.04.2021
25.	Shri Tarun, 8 th Additional District and Sessions Judge, Dehradun.	6 th Additional District and Sessions Judge, Dehradun	08.04.2021
26.	Shri Vivek Srivastava, Chief Judicial Magistrate, Dehradun.	Judicial Magistrate, Rudrapur, U.S. Nagar.	08.04.2021
27.	Smt. Savita Chamoli, Addl. Judge, Family Court, Dehradun.	Civil Judge (Senior Division), Nainital.	08.04.2021
28.	Shri Manindra Mohan Pandey, Civil Judge (Senior Division), Dehradun.	Chief Judicial Magistrate, Nainital.	08.04.2021
29.	Shri Dharamendra Kumar Singh, Chief Judicial Magistrate, Champawat	Civil Judge (Senior Division), Khatima, U.S. Nagar.	08.04.2021
30.	Shri Sudhir Tomar, Chief Judicial Magistrate, Pithoragarh	Civil Judge (Senior Division), Kashipur, U.S. Nagar.	08.04.2021
31.	Shri Mukesh Chandra Arya, Chief Judicial Magistrate, Nainital.	Chief Judicial Magistrate, Haridwar.	08.04.2021
32.	Smt. Manju Singh Munday, 1 st Addl. Chief Judicial Magistrate, Dehradun.	Chief Judicial Magistrate, Bageshwar.	08.04.2021
33.	Shri Ramesh Singh, Civil Judge (Senior Division), Vikas Nagar, Dehradun.	Addl. Chief Judicial Magistrate, Haldwani.	08.04.2021
34.	Smt. Sangeeta Rani, Civil Judge (Senior Division), Haldwani, Nainital	Civil Judge (Senior Division), Haridwar	08.04.2021
35.	Shri Arun Vohra, Chief Judicial Magistrate, Haridwar.	Addl. Chief Judicial Magistrate, Haridwar	08.04.2021
36.	Ms. Anita Gunjyal, Civil Judge (Senior Division), Roorkee, Haridwar.	Civil Judge (Senior Division), Kotdwar, Pauri Garhwal.	08.04.2021

37.	Shri Laxman Singh, Chief Judicial Magistrate, Bageshwar.	Chief Judicial Magistrate, Dehradun.	08.04.2021
38.	Shri Rahul Kumar Srivastava, Chief Judicial Magistrate, Tehri Garhwal	1 st Addl. Civil Judge (Senior Division), Haridwar.	08.04.2021
39.	Shri Mohd. Yusuf, OSD / Deputy Secretary to SLSA, Nainital	Civil Judge (Senior Division), Rudrapur, U.S. Nagar.	08.04.2021
40.	Shri Jayendra Singh, Civil Judge (Senior Division), Haridwar.	Civil Judge (Senior Division), Roorkee, Haridwar.	08.04.2021
41.	Shri Bhavdeep Ravtey, Principal Magistrate, Juvenile Justice Board, Dehradun.	Chief Judicial Magistrate, Almora.	08.04.2021
42.	Shri Yogendra Kumar Sagar, 2 nd Addl. Civil Judge (Senior Division), Dehradun.	Civil Judge (Senior Division), Dehradun.	08.04.2021
43.	Shri Vinod Kumar Burman, Civil Judge (Senior Division), Kashipur, U.S. Nagar.	Chief Judicial Magistrate, Tehri Garhwal.	08.04.2021
44.	Ms. Jyotsna, Addl. Judge, Family Court, Rishikesh, Dehradun.	Addl. Chief Judicial Magistrate, Nainital.	08.04.2021
45.	Ms. Jyoti Bala, 1 st Addl. Civil Judge (Senior Division), Haridwar.	Civil Judge (Senior Division), Bageshwar.	08.04.2021
46.	Ms. Rinky Sahni, Chief Judicial Magistrate, Almora.	Civil Judge (Senior Division), Almora.	08.04.2021
47.	Ms. Shivani Pasbola, Secretary, DLSA, Haridwar.	Chief Judicial Magistrate, Champawat.	08.04.2021
48.	Ms. Akata Mishra, Civil Judge (Senior Division), Laksar, Haridwar.	1 st Addl. Civil Judge (Senior Division), Dehradun.	08.04.2021
49.	Shri Rajeev Dhawan, Chief Judicial Magistrate, Chamoli.	Addl. Civil Judge (Senior Division), Roorkee, Haridwar.	08.04.2021
50.	Shri Mohd. Yaqoob, 2 nd Addl. Chief Judicial Magistrate, Dehradun.	1 st Addl. Chief Judicial Magistrate, Dehradun.	08.04.2021

51.	Ms. Chhavi Bansal, Civil Judge (Senior Division), Rudrapur, U.S. Nagar.	1 st Addl. Civil Judge (Senior Division), Rudrapur, U.S. Nagar.	08.04.2021
52.	Ms. Vibha Yadav, 3 rd Addl. Chief Judicial Magistrate, Dehradun.	Chief Judicial Magistrate, Pithoragarh.	08.04.2021
53.	Shri Sanjay Singh, 3 rd Addl. Civil Judge (Senior Division), Dehradun.	2 nd Addl. Chief Judicial Magistrate, Dehradun.	08.04.2021
54.	Ms. Indu Sharma, Secretary, DLSA, Pauri Garhwal.	2 nd Addl. Civil Judge (Senior Division), Dehradun.	08.04.2021
55.	Shri Manoj Kumar Dwivedi, Secretary, DLSA, Pithoragarh.	Addl. Chief Judicial Magistrate (Railways), Haldwani.	08.04.2021
56.	Ms. Niharika Mittal Gupta, Addl. Chief Judicial Magistrate, Nainital.	3 rd Addl. Chief Judicial Magistrate, Dehradun.	08.04.2021
57.	Ms. Seema Dungarkoti, 4 th Addl. Civil Judge (Senior Division), Dehradun.	Civil Judge (Senior Division), Laksar, Haridwar.	08.04.2021
58.	Ms. Shachi Sharma, Addl. Chief Judicial Magistrate (Railways) Haldwani, Nainital.	Civil Judge (Senior Division), Vikas Nagar, Dehradun.	08.04.2021
59.	Shri Sachin Kumar, 5 th Addl. Civil Judge (Senior Division), Dehradun.	Chief Judicial Magistrate, Chamoli.	08.04.2021
60.	Ms. Arti Saroha, 6 th Addl. Civil Judge (Senior Division), Dehradun.	3 rd Addl. Civil Judge (Senior Division), Dehradun.	08.04.2021
61.	Smt. Payal Singh, Addl. Chief Judicial Magistrate, Haldwani.	Civil Judge (Senior Division), Haldwani.	08.04.2021
62.	Shri Puneet Kumar, 5 th Addl. Chief Judicial Magistrate, Dehradun.	Principal Magistrate (1 st Class), Juvenile Justice Board, Dehradun.	08.04.2021
63.	Shri Dayaram, 7 th Addl. Civil Judge (Senior Division), Dehradun.	4 th Addl. Civil Judge (Senior Division), Dehradun.	08.04.2021
64.	Ms. Afiya Mateen, 8 th Addl. Civil Judge (Senior Division), Dehradun.	5 th Addl. Civil Judge (Senior Division), Dehradun.	08.04.2021

65.	Shri Mithilesh Pandey, 9 th Addl. Civil Judge (Senior Division), Dehradun.	Addl. Chief Judicial Magistrate, Kashipur, U.S. Nagar.	08.04.2021
66.	Shri Ravindra Dev Mishra, 10 th Addl. Civil Judge (Senior Division), Dehradun.	6 th Addl. Civil Judge (Senior Division), Dehradun.	08.04.2021
67.	Ms. Beenu Gulyani, Civil Judge (Junior Division), Bazpur, U. S. Nagar.	Civil Judge (Junior Division), Didihat, Pithoragarh.	08.04.2021
68.	Shri Nadeem Ahmad, Civil Judge (Junior Division), Ram Nagar, Nainital.	Civil Judge (Junior Division), Purola, Uttarkashi.	08.04.2021
69.	Shri Dharmendra Shah, Civil Judge (Junior Division), Ranikhet, Almora.	Judicial Magistrate, Kotdwar, Pauri Garhwal.	08.04.2021
70.	Ms. Sahista Bano, Civil Judge (Junior Division), Tharali, Chamoli.	Civil Judge (Junior Division), Bazpur, U.S. Nagar.	08.04.2021
71.	Shri Anoop Singh, Civil Judge (Junior Division), Purola, Uttarkashi.	Civil Judge (Junior Division), Dehradun.	08.04.2021
72.	Ms. Manju Devi, Civil Judge (Junior Division), Gopeshwar, Chamoli.	Judicial Magistrate – I, Haridwar.	08.04.2021
73.	Ms. Jayshree Rana, Civil Judge (Junior Division), Nainital.	Civil Judge (Junior Division), Haridwar.	08.04.2021
74.	Ms. Suman, Civil Judge (Junior Division), Bageshwar.	Judicial Magistrate, Vikas Nagar, Dehradun.	08.04.2021
75.	Ms. Bushra Kamal, 2 nd Addl. Civil Judge (Junior Division), Nainital.	Civil Judge (Junior Division), Nainital.	08.04.2021
76.	Shri Sachin Kumar, Civil Judge, (Junior Division), Haridwar.	Civil Judge (Junior Division), Gangolihat, Pithoragarh.	08.04.2021
77.	Shri Ramesh Chandra, Civil Judge (Junior Division), Vikas Nagar, Dehradun.	Judicial Magistrate, Kashipur, U.S.Nagar.	08.04.2021

78.	Shri Vishal Vashisht, 1 st Judicial Magistrate, Roorkee, Haridwar.	Civil Judge (Junior Division), Joshimath, Chamoli.	08.04.2021
79.	Ms. Parul Thapliyal, 1 st Judicial Magistrate, Haridwar	2 nd Judicial Magistrate, Haridwar.	08.04.2021
80.	Ms. Soniya, Civil Judge, (Junior Division), Tehri Garhwal.	Civil Judge (Junior Division), Haldwani, Nainital.	08.04.2021
81.	Ms. Kalpana, Judicial Magistrate, Vikas Nagar, Dehradun.	Civil Judge (Junior Division), Kashipur, U.S. Nagar.	08.04.2021
82.	Ms. Minakshi Dubey, Civil Judge (Junior Division), Kashipur, U.S. Nagar.	Civil Judge (Junior Division), Doiwala, Dehradun.	08.04.2021
83.	Ms. Bhawna Pandey, Civil Judge (Junior Division), Haldwani, Nainital.	Civil Judge (Junior Division), Kotdwar, Pauri Garhwal.	08.04.2021
84.	Shri Vivek Singh Rana, Civil Judge (Junior Division), Kotdwar, Pauri Garhwal.	1 st Addl. Civil Judge (Junior Division), Haridwar.	08.04.2021
85.	Ms. Shikha Bhandari, Judicial Magistrate, Kotdwar, Pauri Garhwal.	3 rd Judicial Magistrate, Haridwar.	08.04.2021
86.	Shri Rizwan Ansari, Civil Judge (Junior Division), Dehradun.	Civil Judge (Junior Division), Bageshwar.	08.04.2021
87.	Ms. Kanchan Chaudhary, 1 st Addl. Civil Judge (Junior Division), Haridwar.	Civil Judge (Junior Division), Rudrapur, U.S. Nagar.	08.04.2021
88.	Ms. Shalini Dadar, 1 st Judicial Magistrate, Rudrapur, U.S. Nagar.	Civil Judge (Junior Division), Lansdowne, Pauri Garhwal.	08.04.2021
89.	Ms. Nisha Devi, Civil Judge (Junior Division), Doiwala, Dehradun.	Civil Judge (Junior Division), Tehri Garhwal.	08.04.2021
90.	Ms. Shivani Nahar, Civil Judge (Junior Division), Sitarganj, U.S. Nagar.	Civil Judge (Junior Division), Ranikhet, Almora.	08.04.2021
91.	Shri Rohit Joshi, Civil Judge (Junior Division), Joshimath, Chamoli.	1 st Judicial Magistrate, Rurdrapur, U.S. Nagar.	08.04.2021

92.	Shri Shambhu Nath Singh Sethwal, 2 nd Judicial Magistrate, Haridwar.	Civil Judge (Junior Division), Narendra Nagar, Tehri.	08.04.2021
93.	Shri Kuldeep Narayan, Civil Judge (Junior Division), Lansdowne, Pauri Garhwal.	Civil Judge (Junior Division), Ram Nagar, Nainital.	08.04.2021
94.	Shri Anil Kumar Kori, Civil Judge (Junior Division), Gangolihat, Pithoragarh.	Civil Judge (Junior Division), Vikas Nagar, Dehradun.	08.04.2021
95.	Ms. Poonam Todi, 2 nd Judicial Magistrate, Roorkee, Haridwar.	1 st Judicial Magistrate, Roorkee, Haridwar	08.04.2021
96.	Ms. Pallavi Gupta, Civil Judge (Junior Division), Rudrapur, U.S. Nagar.	1 st Addl. Civil Judge (Junior Division), Rudrapur, U.S. Nagar.	08.04.2021
97.	Shri Kapil Kumar Tyagi, Secretary, District Legal Services Authority, Pithoragarh.	Chief Judicial Magistrate, Pithoragarh.	01.05.2021
98.	Civil Judge (Sr. Div.), Karanprayag, District Chamoli.	Additional charge of the Court of Civil Judge (Jr. Div.), Tharali, District Chamoli with direction to hold Camp Court for a week in a month at Tharali.	04.05.2021
99.	Shri Nadeem Ahamad, Civil Judge (Jr. Div.), Purola, District Uttarkashi.	Additional charge of the Court of Civil Judge (Jr. Div.), Barkot, District Uttarkashi with direction to hold camp court at Barkot for three days in a month till completion of training of Shri Vikas Kumar, Civil Judge (Jr. Div.), Barkot, District Uttarkashi.	04.05.2021
100.	Shri Rizwan Anasari, Civil Judge (Jr. Div.), Bageshwar.	Additional charge of the Court of Civil Judge (Jr. Div.), Garur, District Bageshwar with direction to hold Camp Court at Garur, District Bageshwar for one week in a month till completion of training of Shri Vivek Sharma, Civil Judge (Jr. Div.), Garur, District Bageshwar.	04.05.2021

101.	Ms. Shalini Dadar, Civil Judge (Jr. Div.), Lansdowne, District Pauri Garhwal.	Additional charge of the Court of Civil Judge (Jr. Div.), Dhumakot, District Pauri Garhwal with direction to hold Camp Court at Dhumakot, Pauri Garhwal for two days in a month, till completion of training of Shri Mohit Mahesh, Civil Judge (Jr. Div.), Dhumakot, District Pauri Garhwal.	04.05.2021.
102.	Ms. Nisha Devi, Civil Judge (Jr. Div.), Tehri Garhwal.	Additional charge of the Court of Civil Judge (Jr. Div.), Pratapnagar, District Tehri Garhwal with direction to hold Camp Court at Pratapnagar, District Tehri Garhwal, for three days in a month, till completion of training of Shri Ravi Arora, Civil Judge (Jr. Div.), Pratapnagar, District Tehri Garhwal.	04.05.2021
103.	Shri Anil Kumar Kori, Civil Judge (Jr. Div.), Vikasnagar, District Dehradun.	Additional charge of the Court of Civil Judge (Jr. Div.), Chakrata, District Dehradun with direction to hold Camp Court at Chakrata, District Dehradun for three days in a month.	04.05.2021
104.	Shri Nandan Singh, Additional District and Session Judge, Rudraprayag.	FTC/Additional District & Sessions Judge (POCSO), Haldwani, District Nainital.	20.05.2021

**NOTIFICATIONS OF HIGH COURT OF UTTARAKHAND, AT
NAINITAL FOR THE PERIOD APRIL, 2021 TO JUNE, 2021**

No. 50/UHC/Admin. B/2021

Dated: 5th April, 2021

In view of the second wave of COVID-19 pandemic, the following directions are being issued for the District Courts and Family Courts of District Dehradun and Haridwar:-

- a. Regular District Courts & Family Courts work at District Dehradun and Haridwar, including outlying Courts may be temporarily suspended for sanitization and other purposes for two weeks with effect from 06.04.2021.
- b. Court work of District Courts & Family Courts of District Dehradun and Haridwar will be conducted as per Notification no. 100/ UHC / Admin. B/ 2020 dated May 26, 2020.
- c. One third of the employees of the District Court/Family Court may be permitted to attend the Court at a time.
- d. District Judges of Dehradun & Haridwar as well as the Principal Judge/Judge, Family Courts of District Dehradun & Haridwar are requested to ask the respective medical authority to vaccinate all employees above 45 years, as per directions of Government of India.
- e. Court employees above the age of 55 years may not be compelled to attend the Court.

- f. Category of cases mentioned in paragraph 3 of the aforesaid Notification may be deemed amended for sub clause (b), (f) and (i) meaning thereby these set of cases shall not be dealt during two weeks from 06.04.2021.
- g. In above notification, any directions issued pertaining to Advocates' Chambers shall be followed after consultation with concerned Bar Association.
- h. Other SOPs issued by Government of India and Government of Uttarakhand for prevention of Covid 19 infection shall be adhered strictly.
- i. Concerned District Judges shall inform the concerned Bar Association immediately about these directions.
- j. No Judicial Officer shall leave the station without prior permission of the District Judge. Point No. 11 of the aforesaid Notification dated 26.05.2020 may be deemed amended accordingly.
- k. Further necessary directions may be issued later on.

Kindly make the strict compliance of the aforesaid directions issued by the Hon'ble Court.

By Orders of the Hon'ble Court

No. 58/UHC/Admin. B/2021**Dated: 8th April, 2021**

In view of the second wave of COVID-19 pandemic, the following directions are being issued for the District Court and Family Court of District Tehri Garhwal:-

- a. Regular District Court & Family Court work at District Tehri Garhwal, including outlying Courts be temporarily suspended for sanitization and other purposes for two weeks with effect from 09.04.2021.
- b. Court work of District Court & Family Court of District Tehri Garhwal be conducted as per Notification no. 100/ UHC / Admin. B/ 2020 dated May 26, 2020.
- c. One third of the employees of the District Court/Family Court be permitted to attend the Court at a time.
- d. District Judge as well as the Judge, Family Court shall approach the respective medical authority to vaccinate all employees of above 45 years, as per directions of the Government of India.
- e. Court employees above the age of 55 years be not compelled to attend the Court.
- f. Category of cases mentioned in paragraph 3 of the aforesaid Notification be deemed amended for sub clause (b), (f) and (i) meaning thereby these set of cases shall not be dealt during two weeks from 09.04.2021.

- g. In above notification, any directions issued pertaining to Advocates' Chambers shall be followed after consultation with concerned Bar Association.
- h. Other SOPs issued by the Government of India and the Government of Uttarakhand for prevention of COVID-19 infection shall be adhered strictly.
- i. Concerned District Judges shall inform the concerned Bar Association immediately about these directions.
- j. No Judicial Officer shall leave the station without prior permission of the District Judge/ Judge, Family Court. Point No. 11 of the aforesaid Notification dated 26.05.2020 be deemed amended accordingly.
- k. Further necessary directions will be issued later on.

Kindly make the strict compliance of the aforesaid directions issued by the Hon'ble Court.

By Orders of the Hon'ble Court

No. 155 /UHC/Stationery/2021

Dated: April 12th, 2021

The Hon'ble High Court of Uttarakhand has been pleased to close the High Court on 13.04.2021, 15.04.2021 & 16.04.2021 for Sanitization of the entire court premises, including Advocates' Chambers. The Court will resume from 19.04.2021 through Video Conferencing mode.

By order of the Hon'ble Court

No. 156 /UHC/Admin.B/2021

Dated: 13th April, 2021

**SOP to be followed in District Courts and Family Courts of State of
Uttarakhand in view of COVID-19 pandemic.**

1. All the guidelines and precautions being issued from time to time by the Central/State Governments and other competent authorities regarding COVID-19 pandemic shall be strictly followed.
2. The Courts and Tribunals, subordinate to the High Court of Uttarakhand in such districts shall take up the following nature/type of judicial work through Video Conferencing:-
 - a. Urgent nature of cases, such as Bail, Remand (except first remand and recording of statement under Section 164 CrPC), Injunction application or any other alike cases as Court deems it urgent etc.
 - b. Cases/applications fixed for arguments.
 - c. Cases fixed for framing of charges and recording of statement of accused under Section 251 and Section 313 of the Code of Criminal Procedure.
 - d. Cases fixed for hearing on application under Section 319 of the Code of Criminal Procedure.
 - e. Applications in which only objection from opposite party and thereafter argument is required.
 - f. Framing of Issues.

- g. Any other applications/cases, which the concerned Court deems it fit to hear through VC.
3. The number of cases in the docket of each Court shall be kept as minimum as can be conveniently taken up through VC mode.
 4. Physical presence of litigants and advocates shall be totally prohibited in the Court Halls.
 5. Judicial work shall be conducted through video-conferencing mode, for which, Video-Conferencing software 'Google Meet', or if it is not available for any reason, 'Jitsi Meet' software shall be used. In the event of any problem with these software applications, any other video conferencing software may be used and reason for the same may be incorporated in the ordersheet or order.
 6. All such work, which are permitted by this SOP, shall be conducted through video-conferencing, subject to the provisions of "The High Court of Uttarakhand Video Conferencing Rules, 2020".
 7. Till the hardware required for Video Conferencing for all the Courts is procured, the Judicial Officers shall use official Laptops allotted to them by the High Court. In case, any judicial officer wants to use her/his personal laptop/desktop/Tablet/Ipad/Smartphone, etc. where available, she/he will be at liberty to use the same for the purpose of such video conferencing.
 8. The VC rooms available with the District Courts may also be used for the purpose of hearing of cases through VC. In such a situation, the use of VC rooms shall be regulated. Meaning thereby, that, if any Judicial Officer intends to use the video conferencing room situated at the District Court, the

officer may beforehand request the District Judge in this regard. After collecting all such requests, District Judge may create and allot different time slot for such Judicial Officers requiring the services of VC room. Such time slot shall be published in the official website of the District Court.

9. District Judges shall take necessary steps for ensuring Internet Connectivity (One primary and one backup) and Webcams of good quality with microphones as per letter no. 1877/Server/V-1/2012 Dated 08 April, 2021.
10. The internet connections and hardware presently available with the District Courts, should be upgraded to latest technology available for fast and uninterrupted audio-video streaming. Meanwhile, the Judicial Officers shall use their mobile data available on their official mobile numbers or the dongles as directed by this Court vide letter no. 2300/UHC/ Admin.B/ DJC/ 2012 dated June 02, 2020 for ensuring continuous internet connectivity.
11. In appropriate cases, Judicial Officers may be permitted to conduct the VC by their official laptop/mobile phones from their official residence. This may also take care of connectivity issue as judicial officers may use their official broad band connection installed at their residence. District Judges may be directed to take care of issues pertaining to broad band connection, such as payment of bills etc., installed at the official residence of judicial officers.
12. A dedicated number (Help Line number) for each district shall be arranged by the concerned District Judge(s) to resolve any issue in smooth functioning of the Courts though Video Conferencing. Suitable staff shall be deputed to attend the said helpline number. Such staff member shall act as a

linkpin/coordinator between the Court and the litigant/Counsel to smooth out the glitches in video connecting the two ends.

13. All the District Judges shall request the concerned Bar Associations to set up a similar type of control room in their Association Hall for the Advocates/litigants to connect to the concerned court for their matters. The Advocates/litigants may have the liberty to connect from their residential offices/homes respectively in order to restrict the footfall in the court premises.
14. Each Court shall prepare a cause list, depicting therein the mode of hearing and approximate time slot of hearing. The cause list with such information shall be published on the official website of the respective District Court on daily basis.
15. Court-wise VC link with details of VC software to be used shall be created and published on the official website of the District.
16. Drop boxes shall be arranged at appropriate place of each Court, to drop original applications etc., which shall be taken out by the concerned court on the next working day. The contents of the drop boxes should be taken out using sanitization gloves. The drop boxes shall be sanitized on daily basis after the contents of previous day are taken out.
17. Email id for the purpose of filing of cases/applications shall be created in following manner:-
 - a. One common email id for District Court
 - b. One common email id for every outlying Court

- c. One email id for Family Court
 - d. Separate email id for all the other Special Courts.
18. The Email ids of the Courts shall be published at the official website of the District.
 19. Presence of court staff shall be maximum upto one third of the strength of the Court staff. So far as may be possible, no employee/staff member above the age of 52 years be permitted to attend the office.
 20. Sanitization of the whole Court premises should be ensured twice a day on daily basis.
 21. Every entrant to the court premises should be checked for temperature through thermal imaging guns.
 22. No one shall be allowed entry into the Court premises, without wearing a mask of proper specification. The entry point in the Court premises may be manned by a capable staff and should provide for touch free sanitizer dispensers.
 23. It shall be advised to all concerned that on feeling unwell, such person will keep off from the court premises and shall take immediate medical assistance.
 24. All the mechanism adopted for conduct of judicial business will be displayed on the website of District Court concerned and may also be circulated through local print media.
 25. Assistance of District/Health authorities shall be taken, wherever required.
 26. Regular discussions with the concerned Bar Associations shall be held for ensuring proper implementation of this SOP and other official guidelines issued, so that, judicial work may be conducted smoothly and safely.

27. On every working Saturday or any other working day, training on video conferencing shall be imparted to the Court staff by the District System Administrators/System Officer/System Assistant under supervision of the Nodal officer (Computers), so that, court staff may acquire adequate skills in working through video-conferencing mode. The trainers shall also assess the skills acquired by the concerned staff and shall report to the District Judge through the Nodal officer (Computers) regarding the progress of the staff and any need for further training of such staff.
28. After the training, a feedback-form shall be filled-up by the trained court staff, wherein, it shall submit in brief as to what has been learned from the training programme and what more will be required. The Court staff shall also submit in brief the problem faced by them during the Video conferencing other than technical issues like internet connectivity, which will be dealt by the System Officers/District System Administrators/System Assistants.

Step By Step Procedure For Hearing Through VC

1. All suit, applications, appeals etc. (which are urgent in nature, or, are as being permitted by this SOP) shall be filed through the email id of the concerned Court. In every such case, it shall be necessary for the parties and their advocates to provide their mobile numbers and email id.
2. Original copy of plaint, application, memo of appeal etc. may be dropped in the Drop Box placed outside each court.

3. In case, it is not possible to drop/place the copy of plaint, application, memo of appeal etc. into the drop box, the same may be submitted to the concerned court on return of normalcy. In such case, the concerned party shall file an affidavit undertaking to submit the same as soon as possible.
4. If the suit, application, appeal etc. pertains to District Court and Special Courts, the System Officer/ System Assistant/DSA may receive that mail and forward it to the personal email id of the Presiding Judge or his/her Court official. If the case pertains to Family Court, the Presiding Judge shall directly access it on own or through a staff nominated in this behalf.
5. The concerned court staff/official shall thereafter take a printout of the application, suit etc. and place it before the Court for being dealt with accordingly.
6. If the email pertains to a new suit/proceeding etc.:-
 - a. A new file shall be created and a case number shall be assigned to it, which shall be later on integrated with the original file/documents received from the parties or their counsels, as per rules.
 - b. In case the nature of the suit/proceeding etc. is of such urgent nature which must be heard on the same day, the Presiding Judge shall intimate the party/counsel about the time of hearing through mail, sms etc.
 - c. If the Court does not proceed to hear upon it immediately, the Court shall fix the date for hearing/proceeding and intimate the parties through SMS, VC or through the cause-list to be uploaded on website of the District

Court. Alternatively, the intimation could also be shared by whatsapp, if deemed necessary and proper.

7. In case, an application pertains to an already pending case with date fixed in it, the Court shall take a printout of it to be kept on the concerned file and hear it only on the date fixed.
8. At the date/time fixed for hearing, the parties and their advocates may join the VC through the link of concerned Court available at the official website of the District Court. No unauthorized persons should be permitted to join the VC.
9. During VC all the stakeholders shall be required to strictly maintain the decorum and dignity of the Court.
10. After hearing of the case, if the Court intends to pass any order on the same day, it shall communicate the same to the parties. After passing the order, it shall be immediately uploaded to the CIS software. In extraordinary circumstances, the Court may send scanned copy of order to the parties concerned.
11. If the Court does not intend to pass the order on the same day, it shall notify the date of order to the parties in the VC itself, and follow the aforesaid procedure upon passing of the order.
12. If the Court intends to adjourn the case, it shall notify the next date fixed to the parties through the modes described above.

- 13.** In bail matters, the bail-bonds of sureties may be received through email accompanied with the affidavit of the sureties undertaking therein to submit all the original documents forthwith. The personal verification of such sureties and applicant (in case of release of case property) shall also be conducted through VC. The documents relating to the identity of sureties/applicant shall be mailed to the email id created as above and thereafter same procedure shall be followed which is prescribed for receiving applications etc.
- 14.** Wherever, signature of the concerned parties is necessary, such as in the case of statement of accused etc., the Presiding Judge shall make an endorsement at the relevant place that the statement of the concerned party has been recorded through VC on date....time....throughsoftware because of which physical signature could not be obtained. A screen shot of the computer/mobile screen having the accused photo may be taken and printout of the same may be attached with the statement.
- 15.** First Remand and recording of statement under Section 164 CrPC may be done physically subject to strict adherence to the Covid-19 preventive protocols.
- 16.** In case of any procedural/technical/other exigency, the District Judge may take appropriate step as per law which shall be intimated to High Court immediately thereafter.

17. Each and every step taken in furtherance of the aforesaid guidelines along with the conduct of business (court-wise & date-wise) shall be communicated to the High Court on weekly basis through email only.

Kindly make the strict compliance of the aforesaid directions issued by the Hon'ble Court.

By orders of the Hon'ble Court.

Corrigendum

In the Notification No. 156/UHC/Admin.B/2021 dated 13.04.2021 of this Court, in place of the heading "SOP to be followed in District Courts and Family Courts of State of Uttarakhand in view of COVID-19 pandemic", the heading "SOP To Be Followed In District Courts Where Judicial Work Through Physical Means Has Been Temporarily Suspended By The High Court Of Uttarakhand," be read.

By Order of Hon'ble the Chief Justice

No.157/UHC/Admin.A/2021

Dated: April 19th, 2021

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

By Order of Hon'ble the Chief Justice

No.159/UHC/Admin. B/2021**Dated: 22nd April, 2021**

Keeping in view the sudden rise in COVID-19 positive cases and in light of the G.O. dated 22.04.2021 of the State Government issued for the purpose of sanitization of all the Government offices to prevent further spread of the pandemic, in larger interest of the litigants, advocates, officers and staff of the Subordinate Courts, Hon'ble the Chief Justice has been pleased to issue following directions:-

1. All the Subordinate Courts of the State will remain closed for the purpose of sanitization for two days on 23.04.2021 (Friday) and 24.04.2021 (Saturday), which shall also be carried out on 25.04.2021 (Sunday).
2. The Court will accordingly resume their work w.e.f. 26.04.2021 (Monday).
3. During the aforesaid period, when Courts are closed, work relating to Remand and Bail be only done, as is done on holidays.
4. In supersession of all previous orders, all the Subordinate Courts will take up work relating to only Remand, Bail and Temporary Injunction on and from 26.04.2021 (Monday) through Video Conferencing in the manner provided in Notification No.156 dated 13.04.2021 read with Corrigendum dated 15.04.2021.
5. The aforesaid work from 26.04.2021 (Monday) in the Subordinate Courts will be done by such minimum number of the Judicial Officers and Staff, on

rotation basis, as directed by the District Judge/Judge, Family Court, in-charge, and the remaining Officers/Staff will work from home.

6. These directions will apply till further orders.

By Orders of Hon'ble the Chief Justice

No.160/UHC/Stationery/2021

Dated: 22nd April, 2021

Keeping in view the sudden rise in COVID-19 positive cases and in light of the G.O. dated 22.04.2021 of the State Government issued for the purpose of sanitization of all the Government offices to prevent further spread of the pandemic, in larger interest of the litigants, advocates, officers and staff of the High Court, Hon'ble the Chief Justice has been pleased to direct that the High Court of Uttarakhand shall remain closed for two days on 23.04.2021 (Friday) and 24.04.2021 (Saturday) for Sanitization of the entire premises.

The Cause List of the Hon'ble Court, which has already been published for 23.04.2021, will hold good for 26.04.2021, provided that only those matters listed, which are urgent in nature, will be taken up by the Hon'ble the Court.

By Order of Hon'ble the Chief Justice

No.161/UHC/Stationery/2021**Dated: 25.04.2021**

Having considered the imminent danger to human life by sudden spread of COVID-19 virus and alarming rise in number of persons affected by the said virus, in view of the health guidelines issued by the Government of India and the State Government and for safety of litigants, advocates, officers and staff of the Hon'ble Court, Hon'ble the Chief Justice is pleased to issue following directions in the larger public interest:-

1. The Hon'ble High Court of Uttarakhand will remain closed from 26.04.2021 (Monday) to 30.04.2021 (Friday).
2. Since 01.05.2021 and 02.05.2021 being Saturday and Sunday, therefore, the Hon'ble Court will resume work w.e.f. 03.05.2021 (Monday).
3. The Registry of the Hon'ble Court will also remain closed during the aforesaid period, as well as on 01.05.2021 (Saturday), and will resume the work w.e.f. 03.05.2021 (Monday).
4. Where due to extreme urgency, arising from extraordinary circumstances, hearing of a matter can not wait till 03.05.2021, the Advocate concerned may request for hearing in aforesaid period.
5. Advocates may send their request through e-mail to the address of the Hon'ble Court, alongwith details of the facts of the case justifying the extraordinary circumstances that matter be taken up by the Court, despite its being closed. The e-mail address of for this purpose is hcuk.institutionsection@gmail.com.

6. Registrar (Judicial) shall place the matter before Hon'ble the Chief Justice with his report for the further orders of His Lordship.
7. Where Hon'ble the Chief Justice orders for hearing of a matter by a Bench, as may be constituted for that purpose by His Lordship, Registrar (Judicial) will get the Cause List published, and will inform all the concerned.
8. The matter shall be heard exclusively through Video Conferencing.
9. The matter shall be heard from residence of the Hon'ble Judge concerned, or from such place, which the Hon'ble Judge deems fit and appropriate.
10. The Cause List of the Hon'ble High Court initially released for 23.04.2021, and later made applicable for 26.04.2021 vide Notification No. 160 dated 22.04.2021 of the Hon'ble Court, will now hold good for 03.05.2021, provided that only such listed matters, which require urgent hearing, shall be taken up.
11. The aforesaid Notification No. 160 is amended to the aforesaid extent.
12. The Contact Numbers of the Registrar (Judicial) and Registrar (Computer) of the Hon'ble Court are 9456597014 and 9412078602 respectively.

By Order of Hon'ble the Chief Justice

No.162/UHC/Admin.B/2021,**Dated 25.04.2021**

Having considered the imminent danger to human life by sudden spread of COVID-19 virus, and alarming rise in number of persons affected by the said virus, in view of the health guidelines issued by the Government of India, and the State Government, and for safety of litigants, advocates, officers and staff of the Subordinate Courts, Hon'ble the Chief Justice is pleased to issue following directions in the larger public interest:-

1. All the Subordinate Courts of the State will remain closed from 26.04.2021 to 02.05.2021 and, 02.05.2021 being Sunday, will resume work *w.e.f* 03.05.2021 (Monday).
2. In addition to the work as mentioned hereunder, during the aforesaid period, when Courts are closed, only work relating to remand and bail will be done, as is done on holidays.
3. Where due to extreme urgency arising from any extraordinary circumstances and the hearing of the matter can not wait till 03.05.2021, the Advocate concerned may request for hearing during the said period.
4. Advocates may send their requests to the e-mail address of the District Court concerned alongwith details of the facts of the case justifying the extraordinary circumstances that matter be taken up, despite the Courts being closed.
5. Every District Judges will get e-mail address created for all the Courts of the Judgeship for aforesaid purpose. The details of the e-mail address shall be displayed in the official website of the Judgeship.

6. District Judges will also publish details of one Judicial Officer, nominated by him, with his contact details in the official website, who may be contacted by the advocates for any information for the aforesaid purpose.
7. District Judge will decide as to if any matter require urgent hearing during the aforesaid period, and where he is of the opinion that the matter should be taken up during the aforesaid closure of the Courts, the matter shall be forwarded to the Jurisdiction Court.
8. The matters shall be heard exclusively through Video Conferencing in the manner provided in Notification No. 156 dated 13.04.2021 read with Corrigendum dated 15.04.2021 of the Hon'ble High Court.
9. In supersession of all the previous orders, all the Subordinate Courts will take up work relating to remand, bail and temporary injunctions from 03.05.2021 (Monday), exclusively through Video Conferencing and in the manner aforesaid.
10. The directions regarding the urgent work, which may be taken up by the Subordinate Courts, in addition to the work relating to remand, bail and temporary injunctions from 03.05.2021, if necessary, will follow in the due course.
11. In these orders, in relation to the Family Courts, the word 'District Judge' shall be read as 'Principal Judge/Judge, in-charge', Family Courts.
12. The Notification No. 159 dated 22.04.2021 of the Hon'ble Court is amended to the aforesaid extent.

By Orders of Hon'ble the Chief Justice

No.163 /UHC/Admin. B/2021**Dated: 1st May, 2021**

Having considered the imminent danger to human life by spread of COVID-19 virus and alarming rise in number of persons affected thereby, in view of the health guidelines issued by the Government of India and the State Government, for safety of the litigants, advocates, officers and staff of the Subordinate Courts, Hon'ble the Chief Justice is pleased to issue following directions-

1. All Subordinate Courts of the State shall continue to remain closed from 03.05.2021 till 15.05.2021, and 16.05.2021 being Sunday, will resume work on and from 17.05.2021 (Monday).
2. In addition to the work as mentioned hereunder, during the aforesaid period, when Courts are closed, work relating to remand and bail will only be done, as is done on holidays.
3. Where due to extreme urgency arising from any extraordinary circumstances and hearing of the matter cannot wait till 17.05.2021, the Advocates concerned may request for hearing during the said period.
4. Advocates may send their requests to the designated e-mail address of the District Court concerned alongwith details of the facts of the case justifying the extraordinary circumstances that matter be taken up, despite the Courts being closed.
5. District Judge will decide as to if any matter require urgent hearing during the aforesaid period, and where he is of the opinion that the matter should be taken up during the aforesaid closure of the Courts, the matter shall be forwarded to the Jurisdictional Court.
6. Matters shall be heard exclusively through Video Conferencing in the manner provided in Notification No. 156 dated 13.04.2021 read with Corrigendum dated 15.04.2021 of the Hon'ble High Court.

7. Places where facilities for video conferencing are not available or if they are available, video conferencing is not possible due to want of the necessary connections/signals, as an exception, hearing may be done by any other mode of electronic communication, not requiring physical presence like conference calls *etc.*
8. In supersession of all the previous orders, all the Subordinate Courts will take up work relating to remand, bail and temporary injunctions from 17.05.2021 (Monday), exclusively through Video Conferencing or in the manner provided as an exception, above.
9. The directions regarding the urgent work, which may be taken up by the Subordinate Courts, in addition to the work relating to remand, bail and temporary injunctions from 17.05.2021, if necessary, will follow in the due course.
10. In these orders, in relation to the Family Courts, the word 'District Judge' shall be read as 'Principal Judge/Judge, in-charge', Family Courts.
11. All previous orders are amended to the aforesaid extent.

By Orders of Hon'ble the Chief Justice

No. 164 /UHC/Admin.B/2021

Dated: 01st May, 2021

Having considered the imminent danger to human life by spread of COVID-19 virus and alarming rise in number of persons affected thereby, in view of the health guidelines issued by the Government of India and the State Government, for safety of the litigants, advocates, officers and staff of the Hon'ble Court, Hon'ble the Chief Justice is pleased to issue following directions for transaction of business in the Hon'ble High Court *w.e.f.* 04.05.2021 (Tuesday).

1. Till further orders, only following types of cases will be taken up by the Hon'ble Court-
 - (A) Bail Applications, fresh or otherwise
 - (B) Fresh Criminal Appeals against convictions
 - (C) Fresh Criminal Revisions against orders confirming convictions
 - (D) Writ Petitions Criminal (WPCRL) fresh or otherwise, for stay of arrest
 - (E) Writ Petitions (*Habeas Corpus*)
 - (F) Fresh Writ Petitions seeking relief against eviction ejection, dispossessions from property, or its demolition
 - (G) Fresh Writ Petitions seeking relief against attachment, auction or any similar legal recourse affecting the property
 - (H) Fresh Writ Petition against any major penalty passed in departmental proceedings
 - (I) Special Appeals, where applicable, against the orders passed in aforesaid matters
 - (J) Caveat Applications
 - (K) Any other matter, not mentioned above, by specific or general orders of Hon'ble the Chief Justice.
2. All fresh matters will be filed in their soft copies in PDF format, to the e-mail address of the Institution Section of the Hon'ble Court.
3. Pending matters will be listed only on request of the advocates, which may be e-mailed to e-mail addresses of the concerned Judicial Sections.

4. In pending matters, where there is a request from concerned Judicial Section of the Hon'ble Court, advocates will e-mail soft copies of all the relevant papers, like copy of petition, application, affidavits, annexure, replies *etc.* held by them in their respective offices, in their chronological orders, in the PDF format. The soft copies will be sent to the email address of the requesting Judicial Section.
5. Where due to circumstances arising from the ongoing COVID Pandemic, affidavit of the party concerned may not be prepared and filed, advocates may give exemption applications, for orders of the Hon'ble Court.
6. Applications may also be given for orders of the Hon'ble Court for exemption from any other necessity, required for the filing.
7. All emails received after 1:30 P.M. on a day, will be processed on the following working day of the Hon'ble Court.
8. All the matters shall be taken up exclusively through video conferencing.
9. Where print out of a judgment/order, uploaded in CIS/NJDG is present before any Court/Tribunal subordinate to the High Court, or before any Authority or Person, the authenticity of such judgment/order shall be ascertained by such Court/Tribunal/Authority/Person by comparing the same with the judgment/order uploaded in the CIS/NJDG, and where the authenticity has been so ascertained, the said

Court/Tribunal/Authority/Person shall not press for the certified copy, and shall act, as if the print out, so presented, is the certified copy.

10. All pending matters, except those, which were listed on or after 26.04.2021, will not be listed and will stand adjourned, notwithstanding dates fixed in such matters.
11. All previous orders are superseded to the aforesaid extent.

By Orders of Hon'ble the Chief Justice

No.166/UHC/Admin.A/2021

Dated: May 04, 2021

In exercise of the powers vested under Section 11(2) of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the High Court is pleased to confer the powers to the Court of 3rd Additional Chief Judicial Magistrate, Dehradun, to exercise jurisdiction in respect of areas of all the districts of Uttarakhand to try or enquire into all such cases arising out of offences punishable under the water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981 and the Environment (Protection) Act, 1986, within the said areas.

By Order of the Court

No. 174/UHC/Admin.B/2021**Dated 09.05.2021**

Having considered the requests received from the High Court Bar Association for convenient filing in the Hon'ble Court and matters related thereto, Hon'ble the Chief Justice is pleased to issue following directions-

1. Till further orders, all cases including petitions, memorandum of appeals, applications, affidavits, vakalatnama or any other material shall be filed through Drop Box and they shall be processed by the Registry on third day of the filing.
2. Where Registry of the Hon'ble Court, requests for PDF copy in addition to hard copies filed as above, the advocate concerned shall provide the same to the requesting Judicial Section.
3. Where Petitions, Applications, Replies, Affidavits, Counter Affidavits, Papers, Vakalatnama, Documents etc., duly signed by the parties are not possible to be filed due to various restrictions on public movement and transport facilities during the ongoing COVID Pandemic, print outs of scanned copies thereof duly attested by the advocates in their own signatures with full name and Bar registration number, may also be filed.
4. Where print out of scanned copy of an affidavit duly attested by the advocate in his own signature with full name and Bar registration number is filed as above, the 'Affidavit Welfare Coupon' and the 'Advocate Welfare Coupon of the Bar Association' shall be affixed on overleaf of such print out, in the same manner, as they are affixed on overleaf of the Vakalatnama.

5. For listing of matters not covered under Para 1 (A) to Para (I) of the Notification No. 164/UHC/Admin.B/2021 dated 01.05.2021 of the Hon'ble Court, advocates may make the mentioning before respective Benches of the Hon'ble Court, in the manner, as prescribed in Office Memorandum No. 25/UHC/Listing/2021 dated 20.04.2021 of the Hon'ble Court.
6. Where, on being mentioned, Hon'ble Court orders for listing of a case on the day, when papers necessary for filing and listing have also been dropped in the Drop Box, till said papers are sanitized, print out of the PDF copy shall be processed by the Registry as a necessary health precaution.
7. These directions shall be read with the Notification No. 164/UHC/Admin.B/2021 dated 01.05.2021 of the Hon'ble Court, and wherever provisions in the Notification are not consistent with the said directions, they shall stand amended to the extent of inconsistency.

By Orders of Hon'ble the Chief Justice

No.180/UHC/Stationery/2021

Dated: May 13, 2021.

The Hon'ble High Court of Uttarakhand has been pleased to close the Registry of the Hon'ble High Court on 15.05.2021 (Saturday).

By Order of Hon'ble the Chief Justice

No. 181/UHC/Admin.B/2021**Dated 15.05.2021**

Having assessed the COVID affected cases in all the districts of the State and issues related thereto, in view of the health guidelines issued by the Government of India and the State Government and keeping in view the safety of litigants, advocates, officers and staff of the Subordinate Courts, Hon'ble the Chief Justice is pleased to issue following directions for conduct of work in the Subordinate Courts *w.e.f.* 17.05.2021 (Monday)

1. Till further orders, Subordinate Courts of District Dehradun will take up only the following matters:-
 - (1) Remand, and all bail applications (fresh or pending)
 - (2) Fresh applications for temporary injunctions
 - (3) Any extreme urgent matter arising from extraordinary circumstances. For hearing in such matter, request along with the facts that matter can not wait till this Notification is in force, shall be e-mailed and the Jurisdiction Court by passing a speaking order, deems it fit and appropriate to take up the matter.
2. Till further orders, Subordinate Courts in the remaining districts will take up only the following matters:-
 - (1) Remand, and all bail applications (fresh or pending)
 - (2) Applications for release of property

- (3) Applications under Section 156 (3) of the Code of Criminal Procedure, 1973.
 - (4) Applications for temporary injunctions/stay
 - (5) Applications for interim maintenance
 - (6) Applications for issue of succession certificates
 - (7) Matters under section 13B of the Hindu Marriage Act, 1955
 - (8) Applications for settlement of dispute by compromise
 - (9) Matters relating to investigation by the Police
 - (10) Final arguments.
 - (11) Any extreme urgent matters arising from extraordinary circumstances. For hearing in such matter, request along with the facts that matter can not wait till this notification is in force, shall be e-mailed and the Jurisdiction Court by passing a speaking order, deems it fit and appropriate to take up the matter.
3. All matters, mentioned above, shall be taken up exclusively through video conferencing, and in the manner provided in Notification No. 156 dated 13.04.2021, read with Corrigendum dated 15.04.2021 of the Hon'ble High Court.
 4. Where facilities for video conferencing are available/installed at the residential offices of the officers, and the work may be transacted therefrom, the officers need not to visit the Court Complex for the work concerned.
 5. Places where facilities for video conferencing are not available or if they are available, video conferencing can not be conducted due to want of

necessary connections/signals, as an exception, hearing may be done by any other mode of electronic communication, not requiring physical presence, like conference calls *etc.*

6. For convenient enforcement of this Notification, District Judges may give such directions, which they may deem fit and appropriate and are not inconsistent with the Notification.
7. In these orders, in relation to the Family Courts, the word 'District Judge' shall be read as 'Principal Judge/Judge, in-charge', Family Courts.

By orders of Hon'ble the Chief Justice

No. 196 /UHC/Stationery/2021

Dated: May 22, 2021

The Hon'ble High Court of Uttarakhand has been pleased to suspend the civil work, in the month of June, 2021, only for one week, i.e. from 01.06.2021 to 07.06.2021 in districts Dehradun (except Chakrata outlying court), Hardwar and Udham Singh Nagar alongwith Haldwani and Ramnagar (Outlying Courts District Nainital), Kotdwar (Outlying Court District Pauri Garhwal) and Tanakpur (Outlying Court District Champawat). For rest of the period, the civil work will go on as usual.

The recess will be admissible to all the Judicial Officers, irrespective of the cadre, posted in the stations for 07 days from 01.06.2021 to 07.06.2021 in districts Dehradun (except Chakrata outlying court), Hardwar and Udham Singh Nagar alongwith Haldwani and Ramnagar (Outlying Courts District Nainital), Kotdwar

(Outlying Court District Pauri Garhwal) and Tanakpur (Outlying Court District Champawat). During this period, one Officer either from Civil Judge (J.D.) cadre or Civil Judge (S.D.) cadre (whoever is available in the District) will remain present at the station and will dispose off the urgent work of Civil and Criminal nature as per rule. Recess will be admissible to such Officer from 08.06.2021 to 14.06.2021.

By order of the Hon'ble Court

No. 198/UHC/Admin. A /2021

Dated: May 24, 2021

In exercise of the powers conferred by Article 225 and Article 227 of the Constitution of India read with Rule 1 (ii) and Rule 2 (vii) of the 'High Court of Uttarakhand Video Conferencing Rules, 2020', the High Court of Uttarakhand, Nainital is pleased to notify as following, namely:

1. The 'High Court of Uttarakhand Video Conferencing Rules-2020' shall apply to all suits, appeals, proceedings and matters in the High Court of Uttarakhand, Nainital and all the Civil and Criminal Courts, Tribunals, Family Courts, Special Courts, Juvenile Justice Boards, etc. subordinate to the High Court of Uttarakhand, Nainital and shall come into force from 1st day of June, 2021.
2. So far as may be the 'Google Meet', shall be the "Designated Video Conferencing Software" for time being to be used for the purpose of video conferencing under the Rules, or, if it is not available, 'Jitsi Meet'

shall be used as the Designated Video Conferencing Software” for the purpose of video conferencing under the Rules.

By order of Hon’ble the Chief Justice

No.202/UHC /Admin.A/2021

Dated: Nainital: 25th May, 2021

Hon’ble Shri Justice Alok Kumar Verma, Additional Judge of the High Court of Uttarakhand, Nainital has assumed charge of the office of Judge of the High Court of Uttarakhand, Nainital on Dated 25.05.2021 at 03:30 P.M. vide Notification No. K.13032/01/2021-US.II Dated 24.05.2021 issued by Government of India, Ministry of Law and Justice (Department of Justice), Jaisalmer House, 26, Man Singh Road, New Delhi.

Registrar General

No.206/UHC/Admin.A/2021

Dated: May 28, 2021

Shri Abhishek Kumar Srivastava, the then Civil Judge (Sr. Div.), Almora, who was placed under suspension vide Office-Memorandum No. 10/03-I/UHC/Vig./2021 dated 22.02.2021 and now he has been reinstated vide Office Memorandum No. 35/UHC/Admin.A/2021 dated 28.05.2021, is hereby posted as 4th Additional Chief Judicial Magistrate, Dehradun.

By Order of the Court

No. 208/UHC/Admin.B/2021**Dated 02.06.2021**

Having taken into consideration the fall in COVID affected cases in the last few days, the improvements conducive for transaction of the work, and request of the Bar Association for convenient filing of the fresh cases in the Hon'ble Court, Hon'ble the Chief Justice is pleased to issue following directions-

- (1) All fresh matters filed in the Hon'ble High Court shall be processed and listed before the respective Benches by the Registry.
- (2) The Notification No. 174 dated 09.05.2021 of the Hon'ble Court, issued for transaction of business in the Hon'ble Court during the ongoing COVID Pandemic is amended to the aforesaid extent.

By orders of Hon'ble the Chief Justice

No. 219/UHC/Admin.(A)/2021**Dated: June 09, 2021.**

The nomenclature of the post of Assistant Registrar from the regular cadre, in the Pay Matrix of Rs. 67700-208700 (Level-11) in the establishment of High Court of Uttarakhand, Nainital is hereby changed to Chief Protocol Officer in the same Pay Matrix and Level.

Sri Husain Ahmed, Assistant Registrar of the Court is posted as Chief Protocol Officer with immediate effect. He will continue to perform the duties presently assigned to him.

By order of Hon'ble the Chief Justice

No: 220/UHC/Admin.(A)/2021**Dated: June 09, 2021.**

The nomenclature of 01 post of Review Officer from the regular cadre, in the pay matrix of Rs. 47600-151100 (Level-8) in the establishment of High Court of Uttarakhand, Nainital is hereby changed to Public Relation Officer in the same Pay Matrix and Level with immediate effect.

By order of Hon'ble the Chief Justice

Corrigendum

No: 223/UHC/Admin.(A)/2021**Dated: June 09, 2021.**

In the Notification No. 219/UHC/Admin.(A)/2021 dated 09.06.2021 of this Court, in first line of Para-1, in place of “**the post**” be read as “**01 post**”.

The said notification is accordingly modified to that extent only.

Registrar General

No. 228/UHC/Admin.B/2021**Dated: 12.06.2021**

Having assessed the COVID affected cases in all the districts of the State and issues related thereto, in view of the health guidelines issued by the Government of India and the State Government and keeping in view the safety of litigants, advocates, officers and staff of the Subordinate Courts. Hon'ble Court is pleased to issued following directions for conduct of work in the Subordinate Courts:-

1. Subordinate Courts of District Champawat, Rudraprayag and Uttarkashi will resume normal judicial work, except trials, only through physical mode w.e.f. 14.06.2021.
2. Subordinate Courts of the remaining 10 districts will continue hearing through virtual mode in consonance with Notification No. 181/UHC/Admin.B/2021 dated 15.05.2021 of the Hon'ble Court.
3. Subordinate Courts will follow the guidelines given in the enclosed Standard Operating Procedure (SOPs).
4. The Standard Operating Procedure (SOPs) will be strictly adhered to with such suitable adaptations, as may be necessary to conform to the hearing through physical or virtual mode, as the case may be.

By order of Hon'ble Court

No. 235/UHC/Admin.A/2021

Dated: June 16, 2021.

Shri Dharmendra Kumar Singh, Civil Judge (Sr. Div.), Khatima, District Udham Singh Nagar is conferred with the powers of Drawing and Disbursing Officer (DDO) of the Family Court, Khatima, District Udham Singh Nagar until appointment of regular Presiding Officer of the Family Court, Khatima, District Udham Singh Nagar or till further orders, whichever is earlier.

By Order of Hon'ble the Chief Justice

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. Principal 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, 3/5 A, Race Course, near Rinku Medico, Dehradun.
7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Disputes Redressal Commission, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
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.

C.L. No. 04 /UHC/Admin.A/2021

Dated: June 11th, 2021

Subject: Regarding movable & immovable property statements by Judicial Officers & Staff

Sir,

In continuation of earlier Circular Letter No.13/UHC/Admin.A/2020 dated 13.10.2020, with regard to subject noted above, I am directed to inform that Hon'ble Court has been pleased to amend paragraph-vii of aforesaid C.L. as follows:

“Purchase of movable property amounting to ₹50,000/- and above only are required to be informed to the Court and are also required to be shown in the MIP Statements.”

Aforesaid amendment of Hon'ble Court is being communicated for information, circulation amongst all concerned for strict compliance.

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. Principal 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, 3/5 A, Race Course, near Rinku Medicose, Dehradun.
7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Disputes Redressal Commission, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
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.

C.L. No. 05 /UHC/Admin.A/2021

Dated: June 30th, 2021

Subject: Regarding movable & immovable property statements by Judicial Officers & Staff

Sir,

In continuation of earlier Circular Letter No.13/UHC/Admin.A/2020 dated 13.10.2020, with regard to subject noted above, I am directed to inform that Hon'ble Court has been pleased to delete **para (xiv)** of C.L No.13/UHC/Admin.A/2020 dated 13.10.2020.

Aforesaid amendment of Hon'ble Court is being communicated for information, circulation amongst all concerned for strict compliance.
