



सत्यमेव जयते

UTTARAKHAND COURT NEWS
(A Quarterly Court Magazine)

Vol.-XIII Issue No.-I (January to March, 2022)



EDITORIAL BOARD

Hon'ble Mr. Justice Manoj Kumar Tiwari
Hon'ble Mr. Justice Ramesh Chandra Khulbe
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Hon'ble Mr. Justice Sanjaya Kumar Mishra
(w.e.f. 11.10.2021)
(Acting Chief Justice)
(w.e.f. 24.12.2021)



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
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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 31st March, 2022)

Sl. No.	Name of the Hon'ble Judges	Date of Appointment
1.	Hon'ble Mr. Justice Sanjaya Kumar Mishra (Acting Chief Justice)	11.10.2021
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
Republic Day Celebration: On 26th January, 2022



On 26th January, 2022 Republic Day was celebrated in the High Court premises with Great enthusiasm. On this occasion, National Flag was hoisted by Hon'ble Mr. Justice Sanjaya Kumar Mishra, Acting Chief Justice in presence of Hon'ble Judges. Officers and Officials of the Registry and Advocates were also present.

PROGRAMMES ATTENDED BY HON'BLE JUDGES

(FROM JANUARY 2022 TO MARCH 2022)

1. Hon'ble Mr. Justice Manoj Kuma Tiwari attended the National Conference Law on Contempt, through Video Conferencing at National Judicial Academy, Bhopal on 29.01.2022.
2. Hon'ble Mr. Justice Alok Kumar Verma attended the National workshop for High Court Justices, through Video Conferencing at National Judicial Academy, Bhopal during the period from 26.03.2022 to 27.03.2022.
3. Hon'ble Mr. Justice Sharad Kumar Sharma attended the National workshop for Senior High Court Justices on information Communication Technology in Courts, through Video Conferencing at National Judicial Academy, Bhopal during the period from 09.04.2022 to 10.04.2022.

RECENT JUDGMENTS OF THE HON'BLE COURTS

(01.01.2022 TO 31.03.2022)

Single Bench Judgments

1. *In A.O. No. 179 of 2011, Atul Kumar Bhagat vs. Vinod Kumar Kholiya and others*, decided on 25.03.2022, the Hon'ble Court observed that:-

Para 1 of Judgment:-The appellant has challenged the judgment and award dated 20.04.2011 passed by the learned Motor Accident Claim Tribunal/Addl. District Judge, Nainital, in M.A.C.P. No. 112 of 2008, dismissing the claim petition filed by the appellant.

Para 16 of Judgment:-The learned counsel appearing for the appellant would submit that the Tribunal has examined the evidence as if it was judging a criminal case. Though it has not been reflected anywhere in the impugned judgment that the Tribunal was seeking proof of the averments made in the claim petition beyond reasonable doubt, in fact, the discussions contained in the impugned judgment reveal that the Tribunal was seeking kind of a perfect proof of the matter. Learned counsel relied upon a judgment rendered by the Hon'ble Supreme Court in the case of **Kusum Lata & others vs. Satbir & others**, reported in (2011) 3 SCC 646, wherein the Hon'ble Supreme Court considered the finding recorded by the Tribunal and the High Court that the Vehicle bearing No. HR 34 8010 was not involved in the accident because of the fact that, in the FIR which was lodged by one Ashok Kumar, brother of the victim, neither the number of the vehicle nor the name of the driver was mentioned. While deciding this matter, the Hon'ble Supreme Court held that it is well known that in a case relating to motor accident claims, the claimants are not required to prove the case as it is required to be done in a criminal trial. It is appropriate to take note of the exact words used by the Hon'ble Supreme Court, as contained in

paragraphs 9 & 10 :

“9. There is no reason why the Tribunal and the High Court would ignore the otherwise reliable evidence of Dheeraj Kumar. In fact, no cogent reason has been assigned either by the Tribunal or by the High Court for discarding the evidence of Dheeraj Kumar. The so-called reason that as the name of Dheeraj Kumar was not mentioned in the FIR, so it was not possible for Dheeraj Kumar to see the incident, is not a proper assessment of the fact-situation in this case. It is well known that in a case relating to motor accident claims, the claimants are not required to prove the case as it is required to be done in a criminal trial. The Court must keep this distinction in mind.

10. Reference in this connection may be made to the decision of this Court in *Bimla Devi and others v. Himachal Road Transport Corporation and others [(2009) 13 SCC 530]*, in which the relevant observation on this point has been made and which is very pertinent and is quoted below:-

“In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied.”

Para 17 of Judgment:-In the present case also, the learned Tribunal has very elaborately, and with a surgeon’s precision, examined the evidence. In such cases, the strict rule of evidence, as enunciated in the Indian Evidence Act, does not apply and the courts should proceed on broad probabilities.

Para 18 of Judgment:-In that view of the matter, the order passed by the learned Tribunal, as far as Issue No. 1 is concerned, is not sustainable and the Tribunal should re-consider the same.

2. *In WPMS No. 3643 of 2018, Rajendra Nautiyal vs. Diwaker Jaguri and another*, decided on 23.03.2022, the Hon'ble Court observed that :-

Para 2 of Judgment:- The petitioner herein as plaintiff filed Original Suit No. 103 of 2012 before the learned Civil Judge (S.D), Dehradun, for injunction and adjudicating that the sale deed dated 12.08.2011 executed by defendant no. 1 in favour of defendant no. 2 to be null and void. The contesting respondent no. 1, being defendant no. 2, has filed written statement in the said original suit, *inter alia*, on the ground that plaintiff has executed power of attorney in favour of defendant no. 1. Defendant no. 1 has executed the sale deed on 12.08.2011 on the basis of power of attorney dated 14.03.2007, allegedly for valuable consideration. Respondent no. 2 has also filed a counter claim along with written statement and prayed for certain declaration. He took specific plea that the suit is undervalued and court fee paid is insufficient. Defendant no. 2, the contesting respondent herein, took a plea that valuation of the suit should be Rs. 31 lakhs and he also sought relief of the perpetual injunction. It is further borne out from the pleadings that the plaintiff has claimed that on 14.03.2007 he had executed the general power of attorney in favour of defendant no. 1 for pursue the mutation proceedings with regard to property no. 566 Rajpur Road, Dehradun. But later on when he had doubts regarding the intention of defendant no. 1 he cancelled the same by executing deed of revocation on 13.02.2012. On 14.02.2012, a notice was sent to defendant no. 1 about the revocation of power of attorney.

Para 5 of Judgment:- The matter was carried to the Hon'ble Supreme Court and the Supreme Court has ruled in favour of the plaintiff. While deciding the legal issues, the Hon'ble Supreme Court took into consideration the provisions of Section 7 of the Court Fees Act, it took into consideration the reported case of *Suhrid Singh @ Sardool Singh V. Randhir Singh & Ors. (2010) 12 SCC 112* and *Shailendra Bhardwaj & Ors. V. Chandra Pal & Anr. (2013) 1 SCC 579*. In the case of *Shailendra Bhardwaj*, the Hon'ble Supreme Court took into consideration Section 7 (iv-A) and Section 17(iii) of

the Schedule II of the Court Fees Act. The Supreme Court ruled that on comparing the aforesaid provisions, it is clear that Article 17(iii) of Schedule II of the Court Fees Act is applicable in cases where the plaintiff seeks to obtain a declaratory decree without any consequential relief and there no other provision under the Act for payment of fee relating to relief claimed. Article 17 (iii) of Schedule II of the Court Fees Act makes it clear that this Article is applicable in cases where the plaintiff seeks to obtain a declaratory decree without consequential reliefs and there is no other provision under the Act for payment of fees relating to relief claimed. If there is not other provision under the Court Fees Act in case of a suit involving cancellation or adjudging/declaring void or voidable a will or sale deed on the question of payment of court fees, then Article 17(iii) of the Schedule II shall be applicable. But if such relief is covered by any other provisions of the Court Fees Act, then Article 17(iii) of Schedule II will not be applicable. On a comparison between the Court Fees Act and the U.P. Amendment Act, it is clear that Section 7(iv-A) of the U.P. Amendment Act covers suits for or involving cancellation or adjudging/ declaring null and void decree for money or an instrument securing money or other property having such value. But this provision is applicable when the plaintiff has executed the instrument.

3. *In BA 1 No. 2349 of 2021, Ashish Vashisth vs. State of Uttarakhand along with two connected matters* decided on 25.03.2022, the Hon'ble Court observed that:-

Para 7 of Judgment:- In the case of **State of U.P. vs. Amarmani Tripathi, (2005) 8 SCC 21**, the Hon'ble Apex Court has held that it is well settled that the matters to be considered in an application for bail, are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence, (ii) nature and gravity of charge, (iii) severity of the punishment in the event of conviction, (iv) danger of the accused absconding or fleeing, if released on bail, (v) character, behavior, means, position and standing of the accused, (vi) likelihood of the offence being repeated, (vii) reasonable apprehension of the witnesses being tampered with, and (viii) danger, of course, of justice being thwarted by grant of bail.

Para 8 of Judgment:-While dealing with an application for bail, there is a need to indicate in the order, reasons for *prima facie* considering why bail is being granted particularly where an accused is charged of having committed a serious offence. Any order de hors reasons suffers from non-application of mind as observed by the Hon'ble Supreme Court in **Ram Govind Upadhyay Vs. Sudarshan Singh and others, (2002) 3 SCC 598.**

Para 13 of Judgment:-A ratio decidendi of the judgment of the Hon'ble Supreme Court in **Anil Kumar Yadav vs. State (N.C.T.) of Delhi and another, 2018 (1) CCSC 117** is that in serious crimes, the mere fact that the accused is in custody for more than one year, may not be a relevant consideration to release the accused on bail.

4. *In C-482 No. 96 of 2022, Dr. Mirtunjay Kumar vs. State of Uttarakhand and another*, decided on 03.02.2022, the Hon'ble Court observed that :-

Para 21 of Judgment:-The learned Special Judge took the cognizance after considering the evidence available on the record. The said allegations are required to be tested only at the time of trial. This Court cannot hold a parallel trial in an application under Section 482 of the Code. It is well settled that at the time of considering of the case for cognizance and summoning, merits of the case cannot be tested and it is wholly impermissible for this Court to enter into the factual arena to adjudge the correctness of the allegations. This Court would not also examine the genuineness of the allegations since this Court does not function as a Court of Appeal or Revision, while exercising its jurisdiction under Section 482 of the Code. In this matter it cannot be said that there are no allegations against the applicant. Apart this, learned counsel for the applicant could not able to show at this stage that allegations are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the applicant.

5. *In CRLA No. 37 of 2006, Balbhadra Singh and another vs. State of Uttarakhand* decided on 23.02.2022, the Hon'ble Court observed that:-

Para 33 of Judgment:-A basic rule of the criminal jurisprudence that suspicion, however, strong cannot take place of proof. In **Sujit Biswas vs. State of Assam, AIR 2013 SC 3817**, the Hon'ble Supreme Court held that suspicion, however grave it may be, cannot take the place of proof, and there is a large difference between something that "may be" proved, and something that "will be proved." In a criminal trial, suspicion no matter how strong, cannot and must not be permitted to take place of proof. This is for the reason that the mental distance between "may be" and "must be" is quite large, and divides vague conjectures from sure conclusions. In a criminal case, the court has a duty to ensure that mereconjectures or suspicion do not take the place of legal proof. The large distance between "may be true" and "must betrue", must be covered by way of clear, cogent and unimpeachable evidence produced by the prosecution, before an accused is condemned as a convict, and the basic and golden rule must be applied.

Para 34 of Judgment:- In a criminal case, the onus is on the prosecution to prove that the circumstances from which the conclusion of guilt is to be drawn, are fully established. Something more than mere suspicion is needed to convict the accused. The prosecution has to prove beyond all reasonable doubt that the deceased was subjected to cruelty or harassed by the appellants for or in connection with any demand of dowry. In order to presume the dowry death, it is a condition precedent that there must be unimpeachable evidence in relation to dowry demand. But, the evidence on record do not support the prosecution story.

6. *In WPMS No. 201 of 2022, Ms X (minor) through her father vs. State of Uttarakhand and others*, decided on 04.02.2022, the Hon'ble Court observed that :-

Para 1 of Judgment:- This writ petition has been filed by the father of the minor petitioner to issue a writ in the nature of mandamus commanding and directing the respondent no.1, State of Uttarakhand, and, the respondent no.2, the Chief Medical Officer, Chamoli, to ensure immediate medical termination of petitioner's pregnancy after taking all precautions as required to be taken medically and legally.

Para 19 of Judgment:- In *Murugan Nayakkar vs. Union of India, 2007 SCC OnLine SC 1092*, the Hon'ble Supreme Court has allowed medical termination of pregnancy beyond the statutory outer limit prescribed in the Act considering the fact that the victim was 13 years old and in trauma, even though the Board stated that termination will have equal danger for the mother.

Para 21 of Judgment:- In *Suchita Srivastav and Another vs. Chandigarh Administration, (2009) 9 SCC 1* and in *Meera Santosh Pal vs. Union of India, (2017) 3 SCC 462*, the Hon'ble Supreme Court held that a woman's right to make reproductive choices is also a dimension of "personal liberty" as understood under Article 21 of the Constitution of India.

Para 22 of Judgment:- Right to life means something more than survival or animal existence. It would include the right to live with human dignity. The father of the minor petitioner has expressed that the petitioner is not in a position to continue the pregnancy and if the petitioner is not permitted to terminate her pregnancy, there is possible grave injury to her physical and mental health.

Para 26 of Judgment:- If the petitioner is compelled to continue with her pregnancy, it would infringe her life to live with human dignity, guaranteed under Article 21 of the Constitution of India. Therefore, in the present facts and circumstances, this Court

considers it appropriate in the interest of justice to permit the petitioner to undergo medical termination of her pregnancy under the provisions of the Act with the following directions:-

(i) The medical termination of pregnancy of the petitioner should be carried out by a senior most Gynecologist under the guidance of the Medical Board, constituted in compliance of the order dated 24.01.2022 of this Court, within 48 hours from the production of a copy of this order before the Chief Medical Officer, Chamoli.

(ii) During the procedure of medical termination, if they find that any risk to the life of the petitioner, they have discretion to cancel the said procedure.

(iii) The Medical Board shall maintain complete record of the procedure of the termination of the pregnancy of the petitioner. The Medical Board shall collect the tissue and blood sample of the foetus for conducting DNA and other tests.

(iv) If baby is born alive, the Chief Medical Officer, Chamoli, the respondent no.2, and, Child Welfare Committee, Chamoli will do the needful in accordance with law.

7. In AO No. 440 of 2008, The Chairman and Managing Director, Tehri Hydro Development Corporation Ltd. And another vs. Mahmood Hasan decided on 05.01.2022, the Hon'ble Court observed that :-

Para 1 of Judgment:- This is an appeal against the judgment and order dated 15.05.2008 passed in Civil Misc. Case No. 15 of 2007, Chairman and Managing Director, THDC and another v. Mahmood Hassan, by the court of District Judge, Tehri Garhwal at New Tehri ("the case"). By the impugned judgment and order, an application filed under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, "the Act") for setting aside an arbitral award dated 07.04.2007 given by the

sole Arbitrator has been rejected and the arbitral award upheld.

Para 71 of Judgment:- Situation is covered by the dictum of law as laid down by the Hon'ble Supreme Court in the case of Associate Builders (supra). On the question of patent illegality when it is based on the ground of contravention of any terms of contract, the Hon'ble Supreme Court observed that this contravention must be understood with a caveat. The Hon'ble Supreme Court observed that an arbitral tribunal must decide in terms of the contract, but if an arbitrator construes a term of contract in a reasonable manner, it will not mean that the award can be set aside on this ground.

Para 72 of Judgment:- In the case of Associate Builders vs. DDA (2015) 3SCC 49, (2015) 2 SCC (Civ) 204, it has been observed by the Supreme Court.

“An Arbitral Tribunal must decide in accordance with the terms of the contract, but if an arbitrator construes a term of the contract in a reasonable manner, it will not mean that the award can be set aside on this ground. Construction of the terms of a contract is primarily for an arbitrator to decide unless the arbitrator construes the contract in such a way that it could be said to be something that no fair-minded or reasonable person could do.”

8. *In C-482 No. 1771 of 2021, Anirudha Bhatt vs. State of Uttarakhand and another* decided on 25.03.2022, the Hon'ble Court observed that :-

Para 1 of Judgment:- The petitioner lodged an FIR on 23.10.2015, at Police Station Mallital, District Nainital, under Sections 341, 323 and 506 of IPC. Based on which, Case Crime No. 57 of 2015 was lodged. It appears that the police, after investigation, submitted charge sheet and proceedings of the Criminal Case No. 18 of 2016, State vs. Amardeep Mann & Others were instituted, in the court of Chief Judicial Magistrate Nainital (for short, “the case”). In the case, applications under Section 311 of the Code

of Criminal Procedure, 1973 (for short, “the Code”) were filed, which were rejected.

Para 11 of Judgment:- A bare reading of Section 311 of the Code, makes it explicit that this section is in two parts. The first part is discretionary, when the court may summon any witness, etc. and the second part mandates the court to examine or recall or re-examine any person, if his evidence appears to be essential to the just decision.

Para 13 of Judgment:- Needless to say, a criminal trial is basically a journey in search of the truth. The errors of any party either prosecution or defense cannot be counted. The Court should have all the facts with much clarity.

Para 17 of Judgment :-In, fact, in the case of Rajendra Prasad vs. The Narcotic Cell through its Officer In charge Delhi, Manu/ SC/0397/1999, the Hon’ble Supreme Court in detail discussed the concept of filling up the lacuna and errors in the criminal trial and observed as hereunder:

“8. It is a common experience in criminal courts that defence counsel would raise objections whenever courts exercise powers under Section 311 of the Code or under Section 165 of the Evidence Act by saying that the Court could not 'fill the lacuna in the prosecution case'. A lacuna in prosecution is not to be equated with the fallout of an oversight committed by a public prosecutor during trial, either in producing relevant materials or in eliciting relevant answers from witnesses. The adage 'to err is human' is the recognition of the possibility of making mistakes to which humans are proved. A corollary of any such latches or mistakes during the conducting of a case cannot be understood as the lacuna which a court cannot fill up.”

Para 18 of Judgment:- A bare reading of the statements of PW2 Dr. B.S. Dugtal and PW3 Dr. R. K. Verma reveal that both these doctors were unable to tell the Court as to why are there two dates on Ex-A5, the x-ray report, which was prepared by PW3 Dr. R.K.Verma. PW2 Dr. B.S. Dugtal is that doctor, who initially, on 23.10.2015, medically examined the victim and based on the x-ray report gave a supplementary medical report. Both these doctors, when examined, were without any original record before the Court. They did not have the medico legal registers, based on which such medical reports were given. As stated, unfortunately, the Court did not intervene, while the statements of these witnesses were recorded. Otherwise, this situation would have been prevented and those witnesses could have been asked to appear before the Court along with the original records, so as to clarify the documents, which they had issued.

9. *In Criminal Appeal No. 322 of 2021, Sardar Gurjeet Singh and another vs. State of Uttarakhand* decided on 18.01.2022, the Hon'ble Court observed that :-

Para 40 of Judgment:- A person, who commits suicide ends his life. It is done by the person himself, but some other person is held guilty for it, on the ground that such other person/accused abetted the deceased to commit suicide. Abetment is, in fact, controlling the mind of other to do a certain act. If an accused has, in fact, controlled the mind of the deceased and drove him to commit suicide, such an accused is guilty of abetment.

Para 41 of Judgment:- In the case of *Ude Singh & others v. State of Haryana*, (2019) 17 SCC 301 in para 16.2 as quoted hereinbefore, the Hon'ble Supreme Court has adverted to this aspect and observed "human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action

is concerned, there is no specific theorem or yardstick to estimate or assess the same”.

Para 57 of Judgment:- In the instant case, the appellants continuously harassed the deceased. It is the appellants who created the situation. Words used by the appellants were not in the fit of anger. They made repeated utterances.

Para 58 of Judgment:- Suicide note is not with the words alone. The statement of PW1 Paramjeet Singh, PW3 K.K. Mishra and PW4 Ajeet Singh makes the suicide note complete. This suicide note alongwith statements of the witnesses proves that, in fact, the appellants by their acts and by their continuous conduct tarnished the self esteem and self respect of the deceased, which eventually drove the deceased to commit suicide. It proves beyond the shadow of reasonable doubt that the appellants provoked, incited and encouraged the deceased to commit suicide.

10. In WPMS No. 2275 of 2021, Sh. Shyam Sundar Kataria vs. Sh. Sumit Grover and another decided on 28.01.2022, the Hon’ble Court observed that :-

Para 1 of Judgment:- This is a tenant’s writ petition, where the tenant/petitioner..... had been directed to be vacated and a vacant and peaceful possession has been directed to be handed over to the landlord respondent.

Para 17 of Judgment:- In a matter arising out of rent laws of the State of Jammu and Kashmir, the Hon’ble Apex Court, in a judgment reported in AIR 1979 SC 272, Mst. Bega Begum and others Vs. Abdul Ahad Khan (dead) by L.R.’s and others, in fact, yet again had an occasion to consider as to how the different connotation pertaining to the “reasonableness requirement” and the “need”, of the tenant or the landlord has to be taken into consideration. The need should not be artificially extended nor its language so unduly stretched or strained so as to make it impossible or extremely difficult for the landlord to get a decree for eviction of his own accommodation which he wants to release for his personal requirement.

Para 41 of Judgment:- Judgement reported in 2012 (2) SCC 155, Mohd. Ayub and Another Vs. Mukesh Chand, wherein in paragraphs 14 to 19 of the said judgement, in fact, the Hon'ble Apex Court has dealt with that the need of the landlord may not be required to be established by way of evidence that is a dire necessity, a bonafide requirement itself is enough based on the pleadings and establishment of evidence on record as it has been recorded in the instant case to establish a business of opening an Advocate's Chamber, for himself from the tenement in question after the same being released, would suffice the necessity to allow the release application.

11. In WPSS No. 1348 of 2020, Madho Singh Negi vs. Registrar, Cooperative Societies and other along with 11 connected matters decided on 28.01.2022, the Hon'ble Court observed that :-

Para 2 of Judgment:- The basic controversy for consideration would be, that in an undivided State of U.P., all the petitioners of the present bunch of Writ Petitions, were admittedly initially appointed and they had been working with the U.P. State Cooperative Federation Limited, which later on, on account of the settlement arrived at on the basis of Memorandum of Understanding, between the two Cooperative Federations of the State of U.P. and Uttarakhand, the employees working therein with the U.P. Cooperative Federation Limited, later on, on their option, or even otherwise too, their services were admittedly transferred and merged with the Uttarakhand Cooperative Federation Limited.

Para 3 of Judgment:- As a consequence thereto, when these particular petitioners, after the merger of their service with the Uttarakhand Cooperative Federation Limited, had attained their respective age of superannuation, it then that the controversy arose, as to in what manner, the retiral benefits which were legally payable, under the different heads, as detailed above, would be bifurcated to be imposed upon, as a liability, on the two Cooperative Federations of State of U.P. and

Uttarakhand, for the reason being, that in most of the cases, the petitioners, whose services have been later merged, they had partly rather major part of their services have, served with the U.P. Cooperative Federation Limited, and thereafter, for a certain limited and specified tenure of services, as a consequence of their merger of services, they have worked with the Uttarakhand Cooperative Federation Limited and later on, they have attained their respective age of superannuation from the Uttarakhand Cooperative Federation.

Para 76 of Judgment:- This Court too is of the view that the last pay certificate as issued by the U.K. Cooperative Federation, which is the foundation for the calculation of the retiral benefits, in fact, it was an imposed circumstances, which was peculiar in nature due to the creation of State. As far as the decision to create a State or to divide the two Federations of the State of U.P. and State of Uttarakhand is concerned, in fact, the employees were not at all instrumental in it, and in that eventuality, the cumulative benefits, which would have accrued to an employee, had Federations being not bifurcated, as a consequence of the creation of the State of Uttarakhand, the petitioner would be entitled to for the determination of the retiral benefits based on the last pay certificate which had been issued in their favour on the date of attainment of their respective age of superannuation. This analogy further stands protected under the provision to Section 74 of the Act, to be read with its proviso.

Para 77 of Judgment:- As far as the U.P. Cooperative Federation is concerned, a following writ of mandamus is issued:

1. That U.P. Cooperative Federation would ensure to determine the gratuity, earned leave, and the arrears of interest payable on the withheld amount under Section 7 (3A) of the Payment of Gratuity Act, for the period of services which has been rendered by the respective petitioners with the UP State Cooperative Federation, based on the last pay certificate which had been issued by the Uttarakhand Cooperative Federation. It is hereby

made clear, that the inter se dispute between the two Cooperative Federations, based upon the terms of the memorandum of understanding, which has been at times depicted in the counter affidavit filed by the U.P. Cooperative Federation, this Court is of the view that looking to the respective age of the retired employees, their terms of settlements will not create any impediment in the remittance of the retiral benefits, because all these issues have already been settled by the judgments of the Division Bench referred above. Any dereliction on that pretext would be contemptuous too.

MAJOR ACTIVITIES OF SLSA
FROM
JANUARY 2022 TO MARCH 2022

VIDEO CONFERENCING SESSION DATED 23.01.2022:

A Video Conferencing Session was organized on 23.01.2022 under the following Agenda points:

1. Preparation for next National Lok Adalat in current scenario.
2. Accounts related issues such as collection, scrutiny & verification of bills and claims up to 31st December, 2021.
3. Statistical Data Information and Annual Report.
4. Strengthening Jail Legal Aid Clinics and Prisoners focused services in current wave of Pandemic.
5. Continued operation of Helpline Numbers and digital platforms during current wave of Pandemic.

The aforesaid VC Session was chaired by the Hon'ble Executive Chairman, NALSA and attended by the Hon'ble Executive Chairman & Member Secretary, Uttarakhand SLSA, Nainital.



VIRTUAL MEETING DATED 26.02.2022:

In compliance of the resolution on Agenda No. 09 of the 20th Board Meeting of Uttarakhand SLSA, Nainital held on 13.01.2022, a virtual meeting was convened on 26.02.2022, on the issue '**Developing of a mechanism for speeding up the process of verification of sureties in cases of grating the bail**'. The said meeting was chaired by the Hon'ble Mr. Justice Sharad Kumar Sharma, Judge Hon'ble High Court of Uttarakhand/Hon'ble Chairman, High Court Legal Services Committee, Nainital. The Registrar General, Hon'ble High Court of Uttarakhand, the Member Secretary, Uttarakhand State Legal Services Authority, Nainital and the Principal Secretary, Law-cum-L.R., Govt. of Uttarakhand were present in the meeting.

CONSULTATION MEETING DATED 02.03.2022:

On 02nd March, 2022 a Virtual Consultation Meeting was organized by NALSA and the same was Chaired by the Hon'ble Executive Chairman, NALSA. The said Consultation Meeting was attended by the Hon'ble Executive Chairman and Member Secretary, Uttarakhand SLSA, Nainital. In the said consultation meeting following points were discussed:

1. Latest financial position of SLSAs including funds requirements for the current financial year:
 - Data to be submitted latest by 02.03.2022
2. Upcoming National Lok Adalat with the following details to be submitted to NALSA latest by 02.03.2022.
 - Total number of identified cases by all Courts/Tribunals in the State;
 - Number of pre-litigation cases registered;
 - Number of preparatory meetings organized at State Level;
 - Bottlenecks, if any faced by SLSAs

VIRTUAL MEETING DATED 15.03.2022:

A virtual meeting was organized on 15.03.2022, under the Chairmanship of Hon'ble Executive Chairman, NALSA. The Hon'ble Executive Chairman and Member Secretary, Uttarakhand SLSA, Nainital have attended the meeting. In the aforesaid virtual meeting performance of National Lok Adalat organized on 12th March, 2022 including evaluation, elucidation of the system of Lok Adalat and a conceptual framework for National Lok Adalat for giving relief to common man were discussed.

INSPECTION OF POLICE STATION –MALLITAL & TALLITAL, DISTRICT NAINITAL

Officer on Special Duty, Uttarakhand SLSA, Nainital visited/inspected Police Stations Mallital and Tallital at District Nainital along with the Secretary, DLSA, Nainital on 22nd February, 2022. During the visit it is found that the poster as provided by the Uttarakhand SLSA, regarding early Access to Justice at Pre-Arrest, Arrest & Remand Stage has been affixed in the conspicuous places of the Police Stations.

The register, for making entries of the accused provided free legal aid/advice under early Access to Justice at Pre-Arrest, Arrest has not been found in both police stations. Oral directions were issued to the concerned for preparing and maintaining the same.

OBSERVATION ON INTERNATIONAL WOMEN'S DAY ON 08.03.2022:

"International Women's Day" was observed / celebrated on 08.03.2022 by the District Legal Services Authorities throughout the State of Uttarakhand, by organizing Legal Literacy Camps, Webinars, rallies including other related programmes on 08.03.2022. Common masses were sensitized on the issues such as gender equality, Legal Rights, reproductive Rights and violence & abuse against women.

NATIONAL LOK ADALAT HELD ON 12.03.2022:

In the National Lok Adalat organized on 12.03.2022, a total number of 7824 cases were referred and out of them total 6264 cases were settled amicably and a sum of Rs. 26,95,17,289/- were settled as settlement amount.

In the aforesaid National Lok Adalat a total number of 8595 Pre-Litigation cases were taken-up and out of them 1739 cases were settled amicably and Rs. 19,85,25,677/- were settled as settlement amount.

Quasi Judicial Courts such as Consumer Courts and Labour Courts were also included in the National Lok Adalat dated 12.03.2022. Total 165 cases were referred in the Consumer Courts and out of them 145 were settled and Rs. 92,50,463/- were settled as settlement amount. Total 11 cases were also settled by the Labour Courts and 03 were disposed off by awarding Rs. 16,25,567/- as settlement amount.

AT HON'BLE HIGH COURT OF UTTARAKHAND

National Lok Adalat was organized in the Hon'ble High Court of Uttarakhand on 12th March, 2022



JAIL SAMIKSHA DIWAS :

In order to strengthen Jail Legal Aid Clinics and Prisoners focused Legal Services in the current wave of Pandemic, Hon'ble the Executive Chairman, UKSLSA, Nainital has been pleased to direct all the District Legal Services Authorities in the State to organize "**Jail Samiksha Diwas**" inside District/Sub-Jails and at Legal Aid Clinics/Judicial Lock-up on every Wednesday of the week. The Secretaries of DLSAs visiting/inspecting District/Sub-Jails/Judicial Lock-ups and made interaction with jail inmates as per the directions. The necessary legal aid has also been provided to the Jail Inmates by the Jail visiting Panel Lawyers and Secretaries of the DLSAs. Legal Awareness Programmes are being also organized during the Jail Samiksha Diwas.

PREVENTION OF SALES OF EXPIRY DRUGS, PACKAGEABLE FOOD & EATABLE ITEMS, BEVERAGES:

It has been noticed by the Uttarakhand SLSA, Nainital that now-a-days the business regarding sales of expiry drugs, packageable food and eatable items, beverages etc., by the shopkeepers are in trends, particularly in the remote and far flung areas of the State and the departments/agencies having jurisdiction for the prevention of sale of expiry items, does not have any realistic and ground level information in this regard and due to this ignorance, the business of sales of expiry items are spreading in every nook and corner particularly in the remote and far flung areas of the State.

In order to prevent sales of expiry drugs/items throughout the State, Uttarakhand SLSA, Nainital directed all the District Legal Services Authorities, to convene at least One Meeting in a month with Drug Inspector and Food Safety Officer of the district concerned for ensuring prevention of sales of expiry items in the State of Uttarakhand.

PERMANENT LOK ADALATS:

All the District Legal Services Authorities were directed to make aware the common mass about the Role and Benefits of Permanent Lok Adalats functioning/established at 04 Districts i.e. at Dehradun, Haridwar, Nainital and Udham Singh Nagar, during the organization of Legal Awareness Programmes/Activities organized in the State.

कंपनी को 35.41 लाख क्लेम देने के आदेश

जागरण संवाददाता, देहरादून: स्थायी लोक अदालत ने रिलायंस जनरल इश्योरेंस कंपनी को दुर्घटनाग्रस्त हाइड्रोलिक एक्सकेवेटर का 35.41 लाख रुपये क्लेम देने के आदेश दिए हैं।

शिकायतकर्ता मनोज कुमार छमलवान ने 23 जनवरी 2018 को हाइड्रोलिक एक्सकेवेटर खरीदा था। इसका बीमा रिलायंस जनरल इश्योरेंस कंपनी से पूर्ण जोखिम सहित करवाया। जिसकी बीमा अवधि 16 फरवरी 2019 से 15 फरवरी 2020 तक थी। 23 फरवरी 2019 को हाइड्रोलिक एक्सकेवेटर रुद्रप्रयाग स्थित ग्राम भैसारी सेमी के निकट दुर्घटनाग्रस्त हो गया। हादसे की

निर्णय

- हाइड्रोलिक एक्सकेवेटर का बीमा होने के बावजूद कंपनी ने क्लेम कर दिया था खारिज
- रुद्रप्रयाग में तीन साल पहले ट्रक से निकलकर खाई में गिर गया था हाइड्रोलिक एक्सकेवेटर

सूचना उन्होंने समय पर बीमा कंपनी को दे दी थी। क्लेम आवेदन व सभी औपचारिकताएं पूरी करने के बाद पीड़ित बीमा कंपनी के धक्के खाता रहा, लेकिन उसे आश्वासन देकर घर भेज दिया जाता था। इसी बीच बीमा कंपनी ने क्लेम को खारिज कर दिया। कंपनी ने कहा कि

मशीन को ट्रक में अच्छी तरह से नहीं बांधा गया, जिसके कारण मशीन ट्रक से निकलकर खाई में गिर गई। गुरुवार को कोर्ट ने इस मामले में फैसला सुनाया।

स्थायी लोक अदालत के अध्यक्ष राजीव कुमार ने अपने आदेश में कहा कि बीमा कंपनी ने गलत तथ्यों के आधार पर क्लेम खारिज किया। उन्होंने कंपनी को निर्देशित किया कि शिकायतकर्ता को वाहन की बीमा राशि 35.41 लाख रुपये छह प्रतिशत की ब्याज दर के साथ अदा करें।

देहरादून की खबरें पढ़ें
www.jagran.com

ओलावृष्टि से खराब हुए सब का क्लेम देने के आदेश

जागरण संवाददाता, देहरादून: ओलावृष्टि से काश्तकारों की खराब हुई सब की फसल का 12 लाख 97 हजार रुपये क्लेम बीमा कंपनी को देना होगा। इस मामले में गुरुवार को स्थायी लोक अदालत ने फैसला सुनाया।

नोगांव उत्तरकाशी के काश्तकार दीवान सिंह तोमर सहित 18 काश्तकारों ने शिकायत दर्ज करवाई थी। जिसमें कहा कि उन्होंने 2018 में सब की फसल का इश्योरेंस ब्रोकर प्राइवेट लिमिटेड, नोएडा, उत्तर प्रदेश से कराया था। 2017-2018 के लिए सब के बगीचे का मौसम आधारित फसल बीमा किया गया। बीमा की अवधि 31 दिसंबर 2017 से 30 जून 2018 तक की थी। तीन अप्रैल 2018 को भारी ओलावृष्टि के कारण सब की 80 प्रतिशत फसल खराब हो गई। काश्तकारों ने चार अप्रैल 2018 को जिला उद्यान अधिकारी को इसकी सूचना दी। एक जून 2018 को दोबारा ओलावृष्टि व आंधी के कारण काश्तकारों की शेष बची 20 प्रतिशत फसल भी क्षतिग्रस्त हो गई।

निर्णय

- 2018 का है मामला, कंपनी ने क्लेम देने से कर दिया था इन्कार
- इश्योरेंस कंपनी को 18 काश्तकारों को देने होंगे 12.97 लाख रुपये
- स्थायी लोक अदालत के अध्यक्ष राजीव कुमार ने दिया फैसला

इसकी सूचना काश्तकारों ने दो जून 2018 को इश्योरेंस कंपनी को दी। बीमा कंपनी की ओर से कहा गया कि काश्तकारों की ओर से ओलावृष्टि से हुए नुकसान के आकलन के लिए 48 घंटे में सूचना देनी चाहिए थी, जोकि नहीं दी गई।

गुरुवार को मामले की सुनवाई करते हुए स्थायी लोक अदालत के अध्यक्ष राजीव कुमार ने कहा कि बीमा कंपनी की ओर से गलत व अस्पष्ट तथ्यों के आधार पर क्लेम खारिज किया गया है। उन्होंने बीमा कंपनी को आदेश जारी किया कि 18 काश्तकारों को कुल बीमा की राशि 12 लाख 97 हजार रुपये दी जाए।

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

As on 31.03.2022

NAME OF DLSA	No. of Full Time Secretary	No. of TLSCs Constituted	No. of Panel Lawyers	No. of Retainer Lawyers	No. of trained PLVs	No. of Legal Aid Clinics	No. of Front Offices	No. Mediation Centers	No. of Mediators
ALMORA	01	03	14	01	91	34	01	01	04
BAGESHWAR	01	01	05	01	51	36	01	01	03

CHAMOLI	01	05	08	01	52	12	01	01	02
CHAMPAWAT	01	01	11	01	30	11	01	01	03
DEHRADUN	01	04	48	01	78	55	01	02	15
HARIDWAR	01	02	44	01	52	34	01	03	22
NAINITAL	01	02	38	01	77	08	01	02	05
PAURI GARHWAL	01	04	47	01	35	26	01	02	05
PITHORAGARH	01	04	12	01	14	03	01	01	05
RUDRAPRAYAG	01	01	06	01	44	33	01	01	01
TEHRI GARHWAL	01	02	26	01	48	14	01	01	03
U. S. NAGAR	01	05	51	01	87	24	01	03	11
UTTARKASHI	01	02	09	01	60	19	01	01	05
HCLSC	-	-	24	01	-	-	01	01	09
TOTAL	13	36	323	14	719	309	14	21	93

STATISTICAL INFORMATION**STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN
THE STATE OF UTTARAKHAND
FROM JANUARY 2022 TO MARCH 2022**

S. No.	Name of District	Total No. of Lok Adalats Held	Total No. of Cases Taken up	Total No. of Cases Disposed off	Compensation/ Settlement Amount	Realized As Fine (in Rs.)	Total No. of Persons Benefited in Lok Adalat
01	ALMORA	01	62	35	23,53,722	-	35
02	BAGESHWER	02	209	91	14,71,588	28,000	91
03	CHAMOLI	01	56	32	1,43,15,567	-	32
04	CHAMPAWAT	01	186	49	28,92,406	-	49
05	DEHRADUN	04	5535	4275	6,47,37,163	5,94,450	4291
06	HARDWAR	01	1354	1172	2,78,18,010	-	1172
07	NAINITAL	01	698	527	1,99,24,057	-	527
08	PAURI GARHWAL	01	340	296	1,13,67,740	-	296
09	PITHORAGARH	02	410	129	1,20,06,358	62,047	129
10	RUDRAPARYAG	01	51	43	29,88,300	-	43
11	TEHRI GARHWAL	01	217	156	1,44,37,712	-	156
12	UDHAM SINGH NAGAR	01	1435	945	6,31,86,649	-	945
13	UTTARKASHI	01	74	58	25,12,864	-	58
14	HCSLC, NAINITAL	01	316	47	2,95,05,153	-	47
15	UKSLSA,NTL	-	-	-	-	-	-
	TOTAL :-	19	10943	7855	26,95,17,289	6,84,497	7871

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED IN
THE STATE OF UTTARAKHAND
FROM JANUARY 2022 TO MARCH 2022**

S. No.	Name of District	No. of Camps Organized	Total No. of Persons Benefited in Camps
01	ALMORA	397	18061
02	BAGESHWER	57	1055
03	CHAMOLI	14	895
04	CHAMPAWAT	62	2336
05	DEHRADUN	52	4195
06	HARDWAR	20	981
07	NAINITAL	26	994
08	PAURI GARHWAL	08	566
09	PITHORAGARH	49	3001
10	RUDRAPARYAG	53	3941
11	TEHRI GARHWAL	56	2477
12	UDHAM SINGH NAGAR	134	27436
13	UTTARKASHI	68	2239
14	HCLSC, NAINITAL	-	-
15	UKSLSA, NAINITAL	-	-
	Total	996	68177

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

S. No.	Name of District	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	42	03
02	BAGESHWER	13	65
03	CHAMOLI	08	06
04	CHAMPAWAT	07	-
05	DEHRADUN	197	-
06	HARDWAR	148	01
07	NAINITAL	90	13
08	PAURI GARHWAL	20	02
09	PITHORAGARH	09	-
10	RUDRAPARYAG	05	08
11	TEHRI GARHWAL	37	07
12	UDHAM SINGH NAGAR	72	28
13	UTTARKASHI	21	01
14	HCLSC, NAINITAL	59	-
15	U.K. S.L.S.A., N.T.L.	-	25
	TOTAL	728	159

PROGRAMMES/ACTIVITIES INSIDE JAIL CAMPUS
(JANUARY-2022 TO MARCH-2022)

S.N.	District	Lok Adalats organized in Jails		Legal Camps organized in Jails		Legal provided Under Prisoners	Aid to Trial	Jail Visits
		No. of Lok Adalats organized	No. of cases disposed off	No. of camps organized	Benefited persons			
1	ALMORA	-	-	10	517	16		05
2	BAGESHWAR	-	-	06	224	06		09
3	CHAMOLI	-	-	05	583	03		05
4	CHAMPAWAT	-	-	06	204	07		06
5	DEHRADUN	04	83	09	2021	110		06
6	HARDWAR	02	25	04	92	127		06
7	NAINITAL	01	25	04	287	48		06
8	PAURI GARHWAL	-	-	04	189	07		04
9	PITHORAGARH	-	-	06	415	03		06
10	RUDRAPRAYAG	-	-	09	349	-		05
11	TEHRI GARHWAL	-	-	08	830	23		08
12	U.S. NAGAR	01	59	09	1100	45		09
13	UTTARKASHI	-	-	05	230	09		05
14	H.C.L.S.C. NTL	-	-	-	-	26		-
	TOTAL :-	08	192	85	7041	430		80

STATISTICAL INFORMATION IN RESPECT OF PERMANENT LOK ADALATS

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

(JANUARY-2022 TO MARCH-2022)

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

S.N.	Permanent Lok Adalats	Number of Sittings	No. of cases pending as on 31.12.2021	No. of cases received during the Period	No. of cases settled during the Period	Total Value/Amount of Settlement (₹)
1	Dehradun	68	336	1198	87	1,28,97,924
2	Haridwar	28	43	20	02	2,89,405
3	Nainital	30	149	18	07	6,54,309
4	Udham Singh Nagar	24	168	64	46	-
	Total:	150	696	1300	142	1,38,41,638

STATISTICAL INFORMATION IN RESPECT OF CASES SETTLED THROUGH MEDIATION

(JANUARY-2022 TO MARCH-2022)

(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	64
B	Cases settled through Mediation	18
C	Cases returned as not settled	42
D	Non-starter cases which were returned as mediation could not commenced	13
E	No. of Connected cases	07
F	No. of Cases pending at the end of the month	227

STATISTICAL INFORMATION IN RESPECT OF VICTIM COMPENSATION

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

(JANUARY-2022 TO MARCH-2022)

No. of applications received directly by Legal Services Institutions (A)	No. of applications/orders marked/directed by any Court (B)	Total No. of applications received including Court orders (A+B)	No. of applications decided	No. of applications pending	Total Compensation Amount (₹)
04	23	27	09	84	5,75,000

TRAINING PROGRAMMES HELD IN THE PERIOD OF
JANUARY 2022 TO MARCH 2022
AT
UTTARAKHAND JUDICIAL AND LEGAL ACADEMY,
BHOWALI, NAINITAL.

S. No.	Name of Training Programmes/ Workshops	Duration
1.	Two days Workshop on emerging trends in Cyber law and Crimes for CJMs & ACJMs (1 st Phase) (Virtual Mode)	04.01.2022 to 05.01.2022 (Two days)
2.	One day Workshop on Criminal Law and Procedure for all Judicial Officers of the State (Virtual Mode)	09.01.2022 (One day)
3.	Two days Workshop on emerging trends in Cyber law and Crimes for ACJMs and JMs (IInd Phase) (Virtual Mode)	12.01.2022 to 13.01.2022 (Two days)
4.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2019 Batch (IInd Phase of Institutional Training)	16.01.2022 to 15.05.2022 (Four months)
5.	One Day Training Programme on Gender Sensitization under the directions of Hon'ble Supreme Court given in 2021 SCC online SC 230 for DGC/ADGC (Crim.) (Virtual Mode)	04.02.2022 (One day)
6.	One day Training Programme on Gender Sensitization under the directions of Hon'ble Supreme Court given in 2021 SCC online SC 230 for Pos and APOs (Virtual Mode)	11.02.2022 (One day)

7.	One day Training Programme on Gender Sensitization under the directions of Hon'ble Supreme Court given in 2021 SCC online SC 230 for Civil Judges (J.D.) including Officers of 2019 Batch (Virtual Mode)	25.02.2022 (One day)
8.	Two days Workshop on emerging trends in Cyber Law and Crimes for ACJMs and JMs (IIIrd Phase) (Virtual Mode)	02.03.2022 to 03.03.2022 (Two days)
9.	Two days Workshop on emerging trends in Cyber Law and Crimes for DJs and ADJs (1 st Phase) (Virtual Mode)	08.03.2022 to 09.03.2022 (Two days)
10.	Two days Workshop on emerging trends in Cyber Law and Crimes for ADJs (IIInd Phase) (Virtual Mode)	15.03.2022 to 16.03.2022 (Two days)
11.	Two days Workshop on emerging trends in Cyber Law and Crimes for ADJs (IIIrd Phase) (Virtual Mode)	23.03.2022 to 24.03.2022 (Two days)
12.	Training programme on ICT and e-Courts Induction Programme for the newly recruited Civil Judges (J.D.), 2019 Batch	28.03.2022 to 29.03.2022 (Two days)
13.	Training programme on Cyber Laws and Appreciation and Handling of Digital Evidence- Refresher Programme for Civil Judges (S.D.) (Virtual Mode)	31.03.2022 (One day)



Two days Workshop on emerging trends in Cyber law and Crimes for CJMs & ACJMs (1st Phase) (Virtual Mode) from 04.01.2022 to 05.01.2022.



One day Workshop on Criminal Law and Procedure for all Judicial Officers of the State (Virtual Mode) held on 09.01.2022.



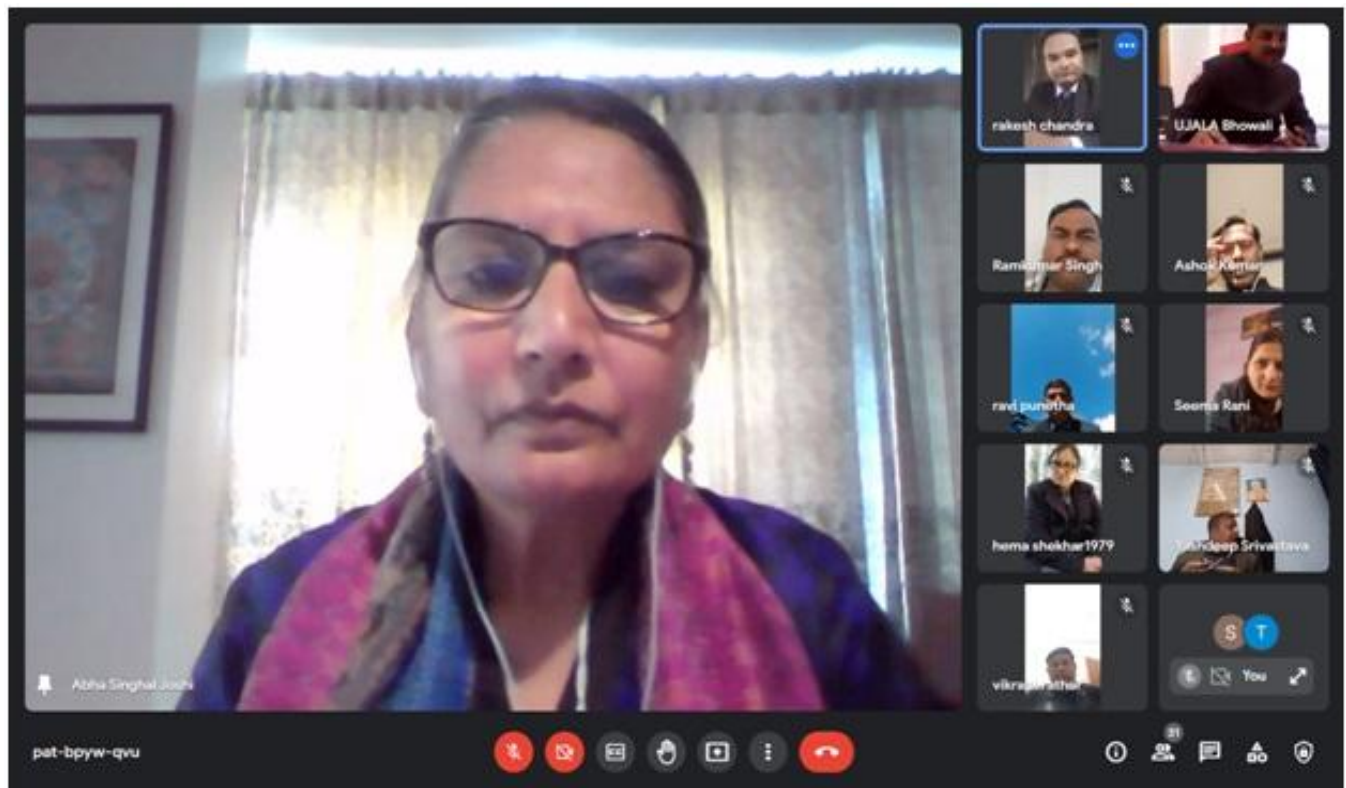
Two days Workshop on emerging trends in Cyber law and Crimes for ACJMs and JMs (IInd Phase) (Virtual Mode) from 12.01.2022 to 13.01.2022.



Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2019 Batch (IInd Phase of Institutional Training) (Four Months) from 16.01.2022 to 15.05.2022.



One Day Training Programme on Gender Sensitization under the directions of Hon’ble Supreme Court given in 2021 SCC online SC 230 for DGC/ADGC (Crim.) (Virtual Mode) held on 04.02.2022



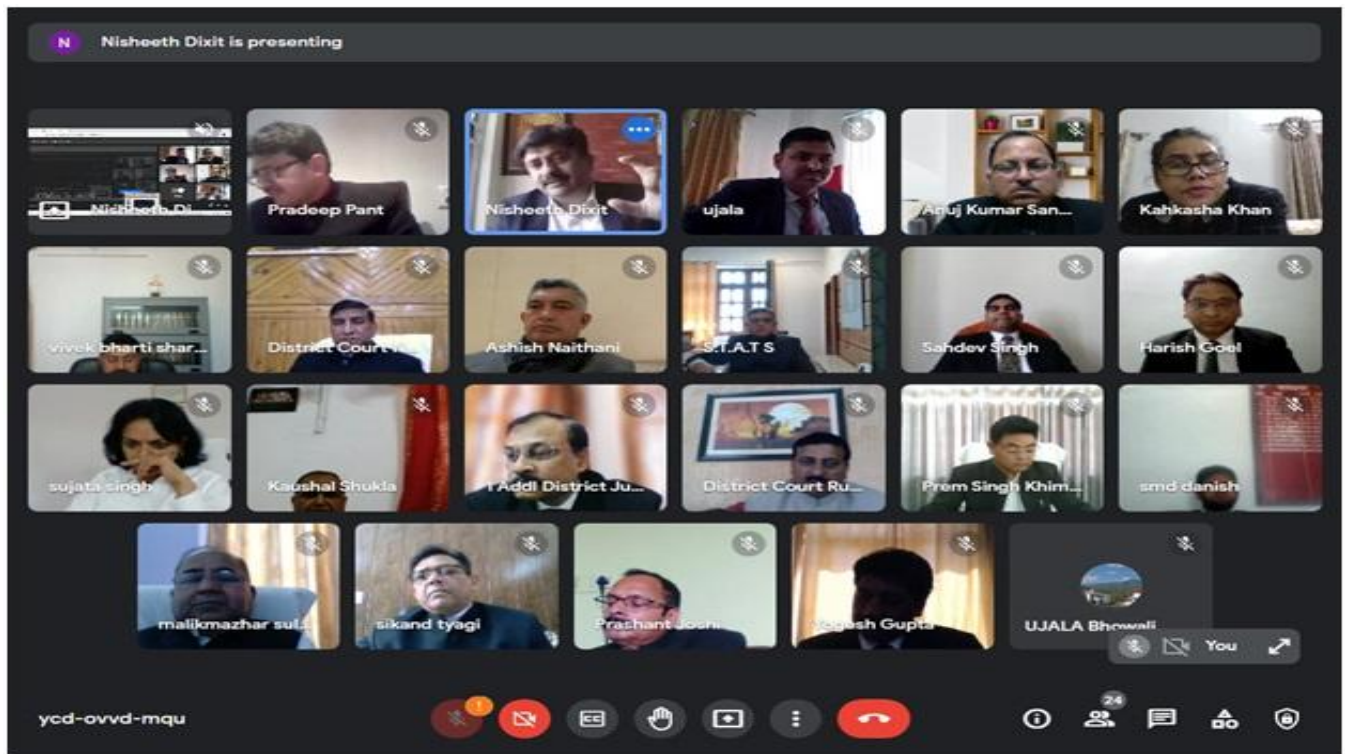
One day Training Programme on Gender Sensitization under the directions of Hon’ble Supreme Court given in 2021 SCC online SC 230 for Pos and APOs (Virtual Mode) held on 11.02.2022



One day Training Programme on Gender Sensitization under the directions of Hon'ble Supreme Court given in 2021 SCC online SC 230 for Civil Judges (J.D.) including Officers of 2019 Batch (Virtual Mode) held on 25.02.2022.



Two days Workshop on emerging trends in Cyber Law and Crimes for ACJMs and JMs (IIIrd Phase) (Virtual Mode) from 02.03.2022 to 03.03.2022.



Two days Workshop on emerging trends in Cyber Law and Crimes for DJs and ADJs (1st Phase) (Virtual Mode) from 08.03.2022 to 09.03.2022.



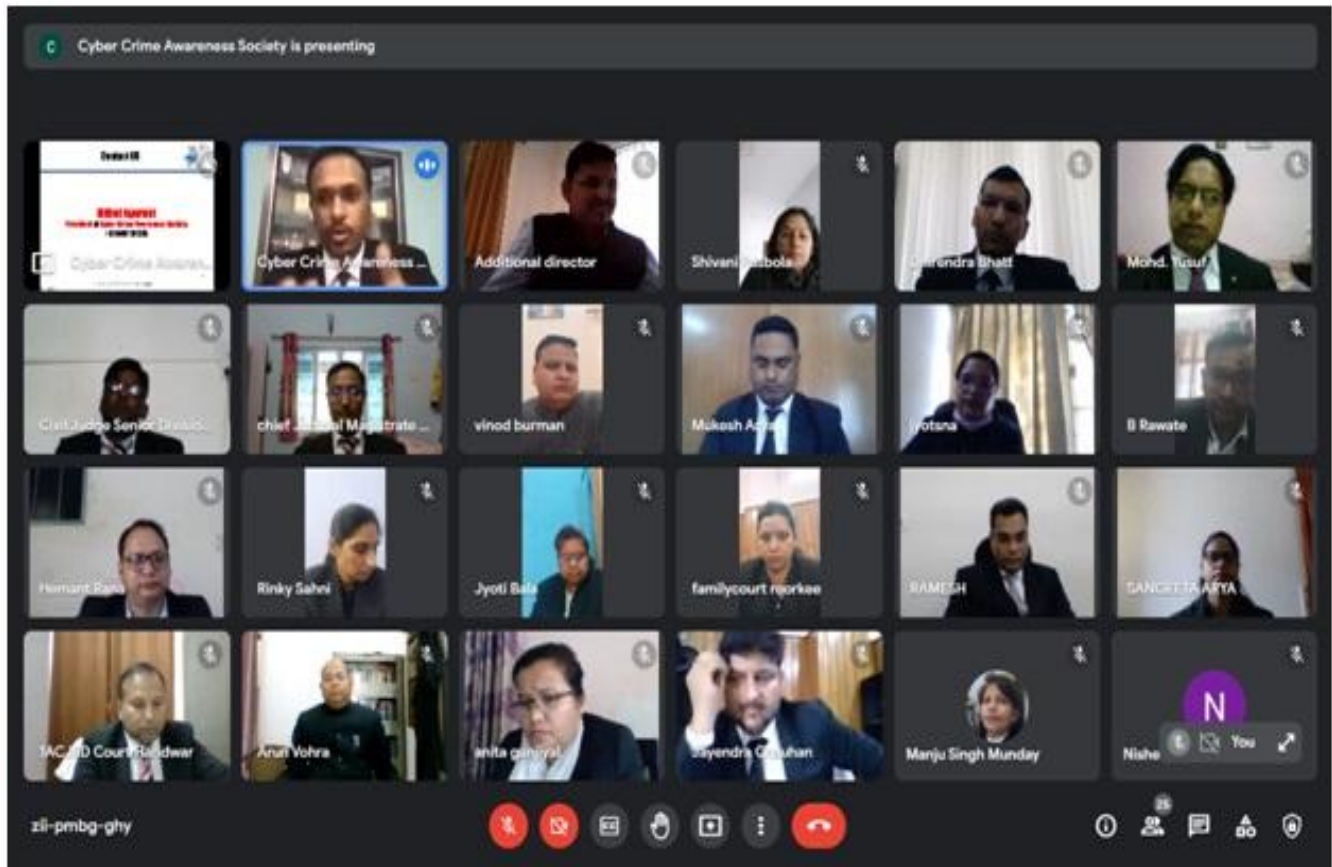
Two days Workshop on emerging trends in Cyber Law and Crimes for ADJs (IInd Phase) (Virtual Mode) from 15.03.2022 to 16.03.2022.



Two days Workshop on emerging trends in Cyber Law and Crimes for ADJs(IIIrd Phase) (Virtual Mode) from 23.03.2022 to 24.03.2022.



Training programme on ICT and eCourts Induction Programme for the newly recruited Civil Judges (J.D.), 2019 Batch from 28.03.2022 to 29.03.2022.



Training programme on Cyber Laws and Appreciation and Handling of Digital Evidence- Refresher Programme for Civil Judges (S.D.) (Virtual Mode) held on 31.03.2022

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**HIGH COURT OF UTTARAKHAND****(From 01.01.2022 to 31.03.2022)**

						Pendency (As on 01.01.2022)		
						Civil Cases	Criminal Cases	Total Pendency
						24065	16898	40963
Institution (01.01.2022 to 31.03.2022)			Disposal (01.01.2022 to 31.03.2022)			Pendency (As on 31.03.2022)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 31.03.2022
1900	2235	4135	1595	2043	3638	24370	17090	41460

DISTRICT COURTS**(From 01.01.2022 to 31.03.2022)**

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.2022
		Opening Balance as on 01.01.22	Institution from 01.01.22 to 31.03.22	Disposal from 01.01.22 to 31.03.22	Pendency at the end of 31.03.22	Opening Balance as on 01.01.22	Institution from 01.01.22 to 31.03.22	Disposal from 01.01.22 to 31.03.22	Pendency at the end of 31.03.22	
1.	Almora	441	119	88	472	1379	1151	829	1701	2173
2.	Bageshwar	190	35	37	188	582	376	342	616	804
3.	Chamoli	351	56	47	360	961	423	333	1051	1411
4.	Champawat	246	33	34	245	1821	730	632	1919	2164
5.	Dehradun	11752	2384	2352	11784	95567	17118	12473	100212	111996
6.	Haridwar	11938	1705	1630	12013	63015	17713	11502	69226	81239
7.	Nainital	2872	557	454	2975	21417	4304	3180	22541	25516
8.	Pauri Garhwal	1147	166	138	1175	5008	1645	1105	5548	6723
9.	Pithoragarh	522	64	68	518	1938	1227	842	2323	2841
10.	Rudraprayag	105	43	43	105	613	517	346	784	889
11.	Tehri Garhwal	471	102	95	478	2814	1155	1063	2906	3384
12.	Udham Singh Nagar	5774	867	639	6002	53453	12668	9648	56473	62475
13.	Uttarkashi	665	82	53	694	2162	550	493	2219	2913
	Total	36474	6213	5678	37009	250730	59577	42788	267519	304528

FAMILY COURTS
(From 01.01.2022 to 31.03.2022)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.2022
		Opening Balance as on 01.01.22	Institution from 01.01.22 to 31.03.22	Disposal from 01.01.22 to 31.03.22	Pendency at the end of 31.03.22	Opening Balance as on 01.01.22	Institution from 01.01.22 to 31.03.22	Disposal from 01.03.22 to 31.03.22	Pendency at the end of 31.03.2022	
1.	Almora	125	36	19	142	132	16	9	139	281
2.	Dehradun (Pr. J.F.C)	716	365	412	669	252	157	118	291	960
3	Dehradun (J.F.C)	576	143	67	652	472	90	52	510	1162
4.	Dehradun (Addl.J.F.C)	565	107	74	598	513	45	82	476	1074
5.	Rishikesh	324	57	46	335	259	32	33	258	593
6.	Vikasnagar	221	53	57	217	305	34	25	314	531
7.	Nainital	247	45	34	258	359	41	34	366	624
8.	Haldwani	566	92	95	563	899	107	76	930	1493
9.	Haridwar	1091	172	113	1150	1273	158	82	1349	2499
10.	Roorkee	1089	167	166	1090	1266	89	125	1230	2320
11.	Laksar	137	60	40	157	191	38	26	203	360
12.	Kotdwar	240	52	39	253	401	51	34	418	671
13.	Pauri Garhwal	96	22	23	95	86	21	14	93	188
14.	Tehri Garhwal	88	33	25	96	62	15	6	71	167
15.	Rudrapur-1 U.S.Nagar	487	89	77	499	535	75	27	583	1082
16.	Rudrapur-2	189	36	23	202	165	14	7	172	374
17.	Kashipur	704	87	53	738	624	48	24	648	1386
18.	Khatima	349	47	6	390	393	39	8	424	814
	Total	7810	1663	1369	8104	8187	1070	782	8475	16579

TRANSFER AND PROMOTION OF THE JUDICIAL OFFICERS

Sl. No.	Name & Designation of the Officer	Place of Transfer	Date of Order
1.	Sri Anuj Kumar Sangal Principal Judge, Family Court, Dehradun.	District & Sessions Judge, Tehri Garhwal.	03.03.2022
2.	Sri Anirudh Bhatt, Registrar (Protocol), High Court of Uttarakhand.	4 th Additional District & Sessions Judge, Haridwar.	03.03.2022
3.	Sri Ritesh Kumar Srivastava, 4 th Additional District & Sessions Judge, Haridwar.	5 th Additional District & Sessions Judge, Haridwar.	03.03.2022
4.	Sri Arvind Nath Tripathi, Legal Advisor to Public Service Commission, Uttarakhand, Haridwar.	Additional District & Sessions Judge, Almora.	03.03.2022
5.	Ms. Kusum, Judge Family Court, Almora.	Additional District & Sessions Judge (FTSC), POCSO Act, Haridwar.	03.03.2022
6.	Sri Vivek Srivastava, Civil Judge (Sr. Div.), Bageshwar, presently attached as Officer on Special Duty, High Court of Uttarakhand.	Registrar (Protocol), High Court of Uttarakhand.	03.03.2022
7.	Sri Sudhir Kumar Singh, Secretary, District Legal Services Authority, Chamoli.	7 th Additional District & Sessions Judge, Dehradun.	03.03.2022
8.	Sri Manindra Mohan Pandey, Chief Judicial Magistrate, Nainital.	Additional Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.	03.03.2022

9.	Sri Man Mohan Singh, Civil Judge (Sr. Div.), Rishikesh, District Dehradun.	8 th Additional District & Sessions Judge, Dehradun.	03.03.2022
10.	Sri Madan Ram, Chief Judicial Magistrate, Uttarkashi.	Registrar, High Court of Uttarakhand, Nainital.	03.03.2022

APPOINTMENT OF THE JUDICIAL OFFICERS

Sl. No.	Name of the Judicial Officers	Place of Appointment	Date of Order
1.	Shri Ishank	Judicial Magistrate, Kotdwar, District Pauri Garhwal	07.02.2022

NOTIFICATIONS OF HIGH COURT OF UTTARAKHAND
FROM JANUARY 2022 TO MARCH 2022

No. 30/UHC/Stationery/2022

Dated: February 24, 2022

High Court of Uttarakhand has been pleased to declare 28.02.2022 (Monday) and 17.03.2022 (Thursday) as holidays for the High Court of Uttarakhand. In lieu, thereof, 05.03.2022 (Saturday) and 21.05.2022 (Saturday) shall be the Court Working days for the High Court.

By Orders of the Court

No. 63/UHC/Admin.B/2022

Dated: 10th March, 2022

Subject:- Guidelines for Recording of Evidence of Vulnerable Witnesses in Criminal Cases

In compliance of order dated 11.01.2022 of Hon'ble the Supreme Court of India passed in Miscellaneous Application No. 1852 of 2019 in Criminal Appeal No. 1101 of 2019 titled as "Smruti Tukaram Badade Vs. State of Maharashtra & Another", this Hon'ble Court has been pleased to frame Guidelines for Recording of Evidence of Vulnerable Witnesses in Criminal Cases" (copy enclosed).

By Orders of the Hon'ble Court

**GUIDELINES FOR RECORDING OF EVIDENCE OF VULNERABLE
WITNESSES IN CRIMINAL MATTERS**

Preamble

The purpose of this protocol is to present guidelines and mandatory recommendations, to improve the response of the justice dispensation system to vulnerable witnesses.

This protocol prescribes guidelines while recording depositions of vulnerable witnesses in order to enable them to give their best evidence in criminal proceedings. Each witness is unique and is to be handled accordingly. Some of the most challenging cases handled by judges during the course of their careers are those involving vulnerable witnesses as, what happened to or was witnessed by them, impact significantly on their quality of deposition and potentially outcome of a trial.

Vulnerable witnesses, find the criminal justice system intimidating, particularly the courtroom experience. Under these circumstances, a vulnerable witness may be a poor witness, providing weak testimony and contributing less information than should have been elicited. Further, the lengthy process of navigating the formal and adversarial criminal justice system can affect the vulnerable witnesses psychological development and disable this sensitivity in significant and long-lasting ways.

To respond effectively to the needs of vulnerable witnesses the criminal justice system needs to respond proactively with sensitivity in an enabling and age appropriate manner, so that the trial process is less traumatic for them.

Judges have to strike a balance between protecting the accused's right to a fair trial, and ensuring that witnesses who give evidence in the case are enabled to do so, to the best of their ability.

(The UN Model Law on Justice in Matters involving Child Victims and Witnesses of Crime published by the UN Office on Drugs and Crime, Vienna, UN, New York 2009 has provided valuable insight and has been a major reference in formulating these guidelines and to enable compliance with international standards on the subject.)

OBJECTIVES OF THESE GUIDELINES

To elicit and secure complete, accurate and reliable evidence from vulnerable witnesses;

To minimize harm or secondary victimization of vulnerable witnesses in anticipation and as a result of participation in the criminal justice system;

To ensure that the accused's right to a fair trial is maintained.

Applicability

Unless otherwise provided, these guidelines shall govern the examination of vulnerable witnesses during criminal trial who are victims or witnesses to crime.

1. Short Title, extent and commencement-

- (1) These guidelines shall be called, "Guidelines for recording of evidence of vulnerable witnesses in criminal matters".
- (2) They shall apply to every criminal court in the State of Uttarakhand subordinate to High Court of Uttarakhand.
- (3) These guidelines shall come into force from the date of notification by High Court of Uttarakhand.

2. Construction of the guidelines – These guidelines shall be liberally

construed to uphold the interests of vulnerable witnesses and to promote their maximum accommodation without prejudice to the right of the accused to a fair trial.

3. Definitions –

(a) **Vulnerable Witness** – Vulnerable witness shall include following persons:-

(i) Age neutral victims of sexual assault read with Section 273 and 327 of the Code of Criminal Procedure 1973 and Section 354 of the Indian Penal Code 1860,

(ii) Gender neutral victims of sexual assault read with Section 2(d) of the Protection of Children from Sexual Offences Act 2012;

(iii) Age and gender neutral victims of sexual assault under Section 377 of the Indian Penal Code 1860 read with paragraph 34(1) of the decision in **Sakshi versus Union of India, (2004) 5 SCC 518**;

(iv) Witnesses suffering from “mental illness” as defined under Section 2(s) of the Mental Healthcare Act 2017 read with Section 118 of the India Evidence Act 1872;

(v) Any witness deemed to have a threat perception under the Witness Protection Scheme 2018 of the Union Government as approved by Hon’ble Supreme Court in **Mahender Chawla versus Union of India, (2019) 14 SCC 615**;

(vi) Any speech or hearing impaired individual or a person

- suffering from any other disability who is considered to be a vulnerable witness by the competent court; and
- (vii) Any other witness deemed to be vulnerable by the concerned court.
- (b) **Support Person** – Means and includes guardian *ad litem*, legal aid lawyer, facilitators, interpreters, translators and any other person appointed by court or any other person appointed by the court to provide support, accompany and assist the vulnerable witness to testify or attend judicial proceedings.
- (c) **Best Interests of the Child** – Means circumstances and conditions most congenial to security, protection of the child and most encouraging to his physical, psychological and emotional development and shall also include available alternatives for safeguarding the growth and development of the child¹.
- (d) **Development Level** – Development level refers to the specific growth phase in which most individual are expected to behave and function in relation to the advancement of their physical, socio economical, cognitive and moral abilities².
- (e) **In-Camera Proceedings** – means criminal matters or part thereof wherein the public and press are not allowed to participate, for good reason as adjudged by the court
- (f) **Concealment of Identity of witness** – Means and includes any condition prohibiting publication of the name, address and other particulars which may lead to the identification of the witness³.
- (g) **Comfort Items** – Comfort items mean any article which shall

¹ Section 227(2) CrPC.

² Sec. 228A IPC. Sec. 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000.

³ Sec. 228A IPC. Sec. 21 of the Juvenile Justice (Care and Protection of Children) Act, 2000

have a calming effect on a vulnerable witness at the time of deposition and may include stuffed toy, blanket or book.

- (h) **Competence of a vulnerable Witness** — Every vulnerable witness shall be competent to testify unless the court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions due to tender years, disease, either of body or mind, or any other cause of the same kind.

Explanation: A mentally ill person may also be held

competent unless he is prevented by his lunacy to understand questions⁴.

- (i) **Court House Tour** — A pre-trial tour of court room to familiarize a vulnerable witness with the environment and the basic process of adjudication and roles of each court official⁵.

- (j) **Descriptive Aids** — A human figure model, anatomically correct dolls or a picture or anatomical diagrams or any other aids deemed appropriate to help a vulnerable witness to explain an act or a fact.

- (k) **Live Link** — 'Live link' means and includes a live television link, audio-video electronic means or other arrangement whereby a witness, while absent from the courtroom⁶ is nevertheless present in the court room by remote communication using technology to give evidence and be cross-examined.

⁴ Section 118 Evidence Act

⁵ Alternative pre-trial and trial processes for child witnesses in New Zealand's criminal justice system, Issue Paper, Min. of Justice, New Zealand Govt. 2010

⁶ Sec 275 Cr.P.C. Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses; CJSHI; UK

- (l) **Special Measures** – mean and include the use of any mode, method and instrument, etc, considered necessary for providing assistance in recording deposition of vulnerable witnesses.
- (m) **Testimonial Aids** – means and includes screens; live links, image and/or voice altering devices; or any other technical devices.
- (n) **Secondary Victimization** – means victimization that occurs not as a direct result of a criminal act but through the response of institutions and individuals to the victim.
- (o) **Revictimization** – means a situation in which a person suffers more than one criminal incident over a period of time.
- (p) **Waiting Room** – A safe place for vulnerable witnesses where they can wait. It shall have toys, books, TV, etc. which can help them lower their anxiety⁷.

4. **Special Measures Direction** - The court shall direct as to which, special measure will be used to assist a particular eligible witness in providing the best evidence. Directions may be discharged or varied during the proceedings, but normally continue in effect until the proceedings are concluded, thus enabling the witness to know what assistance to expect.

5. **Applicability of guidelines to all vulnerable witnesses** –For the

⁷ Alternative pre-trial and trial processes for child witnesses in New Zealand

avoidance of doubt, it is made clear that these guidelines are to apply to any vulnerable witness including a child party, regardless of which party is seeking to examine the witness.

6. **No adverse inference to be drawn from special measures** – The fact that a witness has had the benefit of a special measure to assist them in deposition, shall not be regarded in any way whatsoever as being adverse to the position of the other side and this should be made clear by the judge at the time of passing order in terms of these guidelines to the parties when the vulnerable witness is examined and when the final judgment is pronounced.

7. **Identification of Stress causing factors of adversarial Criminal Justice System**-Factors which cause stress on child witness, rendering them further vulnerable witnesses, and impeding complete disclosure by them shall, amongst others, include:

- (i) Multiple depositions and not using developmentally appropriate language.
- (ii) Delays and continuances.
- (iii) Testifying more than once.
- (iv) Prolonged/protracted court proceedings.
- (v) Lack of communication between professionals including police, doctors, lawyers, prosecutors, investigators, psychologists, etc.
- (vi) Fear of public exposure.
- (vii) Lack of understanding of complex legal procedures.
- (viii) Face-to-face contact with the accused.
- (ix) Practices are insensitive to developmental needs.

- (x) Inappropriate cross-examination.
- (xi) Lack of adequate support and victims services.
- (xii) Sequestration of witnesses who may be supportive to the child.
- (xiii) Placement that exposes the child to intimidation, pressure, or continued abuse.
- (xiv) Inadequate preparation for fearless and robust testifying.
- (xv) Worry about not being believed especially when there is no evidence other than the testimony of the vulnerable witness.
- (xvi) Formality of court proceedings and surroundings including formal dress of members of the judiciary and legal personnel⁸.

8. **Competency of vulnerable witness** – Every vulnerable witness shall be presumed to be qualified as a witness unless prevented by the following-

- (a) Age
- (b) physical or mental disability leading to recording a finding of doubt regarding the ability of such witness to perceive, remember, communicate, distinguish, truth from falsehood or appreciate the duty to tell the truth, and/or to express the same.

Explanation: The court shall conduct a competency examination before recording the testimony of such witness, or on an application of either prosecution or defence or *suo motu*.⁹

⁸ Breaking the Cycle of Violence : Recommendations to improve the Criminal Justice Response to Child Victims and Witnesses, US Deptt. of Justice.

⁹ (a) Section 118 Evidence Act, (b) Ratan Singh Vs. State, AIR 2004 SC 23) and (c) Virender Vs. State – full reference CrI.A. No.121/08 decided on 29.9.09.

9. **Persons allowed at competence assessment** — Only the following are allowed to attend the competence assessment:

- (i) the judge and such court personnel deemed necessary and specified by order of the judge concerned;
- (ii) the counsel for the parties;
- (iii) the guardian *ad litem*;
- (iv) one or more support persons for the child; and
- (v) the accused, unless the court determines that competence requires to be and can be fully evaluated in his absence.
- (vi) any other person, who in the opinion of the court can assist in the competence assessment.

10. **Conduct of competence assessment** — The assessment of a child as to his competence as a witness shall be conducted only by the judge.

11. **Developmentally appropriate questions** — The questions asked to assess the competency of the child shall be appropriate to the age and developmental level of the child; shall not be related to the issues at trial; and shall focus on the ability of the child to remember, communicate, distinguish between truth and falsehood, and appreciate the duty to testify truthfully.

12. **Continuing duty to assess competence** — The court has the duty of continuously assessing the competence of the vulnerable witnesses throughout their testimony and to pass appropriate orders, as and when deemed necessary.

13. **Pre-trial visit of Witnesses to the Court** - Vulnerable witness shall be allowed a pre trial court visit along with the support person to enable such witnesses to familiarise themselves with the layout of the court, and may include visit to and explanation of the following:

- (i) the location of the accused in the dock;
- (ii) court officials (what their roles are and where they sit);
- (iii) who else might be in the court, for example those in the public gallery;
- (iv) the location of the witness box;
- (v) a run-through of basic court procedure;
- (vi) the facilities available in the court;
- (vii) discussion of any particular fears or concerns with the intermediaries, prosecutors and the judge to dispel the fear, trauma and anxiety in connection with the prospective deposition at court.
- (viii) demonstration of any special measures applied for and/or granted, for example practising on the live link and explaining who will be able to see them in the courtroom, and showing the use of screens (where it is practical and convenient to do so)¹⁰.

14. **Meeting the judge** – The Judge may meet a vulnerable witness *suo motu* on reasons to be recorded or on an application of either party in the presence of the prosecution and defence lawyer or in their absence before they give evidence, for explaining the court process in order to help them in understanding the procedure and giving their best evidence.

¹⁰ Achieving Best Evidence in Criminal Proceedings: Guidance on interviewing victims and witnesses, UK) Safeguarding Children as Victims and witnesses: UK)

15. **Appointment of Guardian *ad litem*** — The court may appoint any person as guardian *ad litem* as per law to a witness who is a victim of, or a witness to a crime having regard to his best interests after considering the background of the guardian *ad litem* and his familiarity with the judicial process, social service programs, and child development, giving preference to the parents of the child, if qualified. The guardian *ad litem* may be a member of bar / practicing advocate, except a person who is a witness in any proceeding involving the child.
16. **Duties of guardian *ad litem*** — It shall be the duty of the guardian *ad litem* so appointed by court to:
- (i) attend all depositions, hearings, and trial proceedings in which a vulnerable witness participates.
 - (ii) make recommendations to the court concerning the welfare of the vulnerable witness keeping in view the needs of the child and observing the impact of the proceedings on the child.
 - (iii) explain in a language understandable to the vulnerable witness, all legal proceedings, including police investigations, in which the child is involved;
 - (iv) assist the vulnerable witness and his family in coping with the emotional effects of crime and subsequent criminal or non-criminal proceedings in which the child is involved;
 - (v) remain with the vulnerable witness while the vulnerable witness waits to testify;
17. **Legal assistance** – A vulnerable witness may be provided with legal assistance by the court, if the court considers the assignment of a lawyer to be

in the best interests of the child, throughout the justice process in the following instances:

- (a) at the request of the support person, if one has been designated;
- (b) pursuant to an order of the court on its own motion.

18. **Court to allow presence of support persons** – (1) A court shall allow *suo motu* or on request, verbal or written, to child testifying at a judicial proceeding to have the presence of one person of his own choice to provide him support who shall within the view and if the need arise may accompany the child to the witness stand, provided that such support person shall not completely obscure the child from the view of the opposing party or the judge.

(2) The court may allow the support person to hold the hand of the vulnerable witness or take other appropriate steps to provide emotional support to the vulnerable witness in the course of the proceedings.

(3) The court shall instruct the support persons not to prompt, sway, or influence the vulnerable witness during his testimony. The support person shall also be directed that he/she shall in no circumstances discuss the evidence to be given by the vulnerable witness.

(4) Where no other suitable person is available only in very rare cases should another witness in the case be appointed as a support person. The court shall ordinarily appoint a neutral person, other than a parent, as a support person. It is only in exceptional circumstances keeping the condition of the vulnerable witness in mind, that the court should appoint a parent as a support person.

19. **The testimony of support person to be recorded prior** – A testimony of such support person if he also happens to be a witness shall be recorded, ahead of the testimony of the child.

20. **Court to appoint facilitator** – (1) To assist the vulnerable witnesses in effectively communicating at various stages of trial and or to coordinate

with the other stake holders such as police, medical officer, prosecutors, psychologists, defence counsels and courts, the court shall allow use of facilitators.

(2) The court may, *suo motu* or upon an application presented by either party or a support person of vulnerable witnesses appoint a facilitator if it determines that such witness is finding it difficult to understand or respond to questions asked.

Explanation: (i) The facilitator may be an interpreter, a translator, child psychologist, psychiatrist, social worker, guidance counselor, teacher, parent, or relative of such witness who shall be under oath to pose questions according to meaning intended by the counsel.

(ii) If the court appoints a facilitator, the respective counsels for the parties shall pose questions to the vulnerable witness only through the facilitator, either in the words used by counsel or, if the vulnerable witness is not likely to understand the same, in words or by such mode as is comprehensible to the vulnerable witness and which convey the meaning intended by counsel.

21. **Right to be informed**—A vulnerable witness, his or her parents or guardian, his or her lawyer, the support person, if designated, or other appropriate person designated to provide assistance shall, from their first contact with the court process and throughout that process, be promptly informed by the Court about the stage of the process and, to the extent feasible and appropriate, about the following:

(a) procedures of the criminal justice process including the role of vulnerable witnesses, the importance, timing and manner of testimony, and the ways in which proceedings will be conducted during the trial;

- (b) existing support mechanisms for a vulnerable witness when participating in proceedings, including making available appropriate person designated to provide assistance;
- (c) specific time and places of hearings and other relevant events;
- (d) availability of protective measures;
- (e) relevant rights of child victims and witnesses pursuant to applicable laws, the Convention on the Rights of the Child and other international legal instruments, including the Guidelines and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985;
- (f) the progress and disposition of the specific case, including the apprehension, arrest and custodial status of the accused and any pending changes to that status, the prosecutorial decision and relevant post-trial developments and the outcome of the case.

22. Language, interpreter and other special assistance measures –

- (i) The court shall ensure that proceedings relevant to the testimony of a child victim or witness are conducted in language that is simple and comprehensible to a child.
- (ii) if a child needs the assistance of interpretation into a language or mode that the child understands, an interpreter shall be provided free of charge.
- (iii) if, in view of the child's age, level of maturity or special individual needs, which may include but are not limited to disabilities if any, ethnicity, poverty or risk of revictimization, the child requires special assistance measures in order to testify or participate in the justice process, such measures shall be provided free of charge.

23. **Waiting area for vulnerable witness** – The courts shall ensure that a waiting area for vulnerable witnesses with the support person, lawyer of the witness facilitation, if any, is separate from waiting areas used by other persons. The waiting area for vulnerable witnesses should be furnished so as to make a vulnerable witness comfortable.

24. **Duty to provide comfortable environment** – It shall be the duty of the court to ensure comfortable environment for the vulnerable witness by issuing directions and also by supervising, the location, movement and deportment of all persons in the courtroom including the parties, their counsel, child witnesses, support persons, guardian *ad litem*, facilitator, and court personnel. The child may be allowed to testify from a place other than the witness chair. The witness chair or other place from which the child testifies may be turned to facilitate his testimony but the opposing party and his counsel must have a frontal or profile view of the child even by a video link, during the testimony of the child. The witness chair or other place from which the child testifies may also be rearranged to allow the child to see the opposing party and his counsel, if he chooses to look at them, without turning his body or leaving the witness stand. While deciding to make available such environment, the judge may be dispensed with from wearing his judicial robes¹¹.

25. **Testimony during appropriate hours** – The court may order that the testimony of the vulnerable witness should be taken during a time of day when the vulnerable witness is well-rested.

26. **Recess during testimony** – The vulnerable witness may be allowed reasonable periods of relief while undergoing depositions as often as necessary depending on his developmental need.

¹¹ Virender vs. State of NCT Delhi- decided by Hon'ble Delhi High Court in CrI.A No. 121/08 dt. 29.09.09

27. Measures to protect the privacy and well-being of child victims and witnesses –

(1) At the request of a child victim or witness, his or her parents or guardian, his or her lawyer, the support person, other appropriate person designated to provide assistance, or the court on its own motion, taking into account the best interests of the child, may order one or more of the following measures to protect the privacy and physical and mental well-being of the vulnerable witness child and to prevent undue distress and secondary victimization:

- (a) expunging from the public record any names, addresses, workplaces, professions or any other information that could be used to identify the child;
- (b) forbidding the defence lawyer and persons present in court room from revealing the identity of the child or disclosing any material or information that would tend to identify the child;
- (c) ordering the non-disclosure of any records that identify the child, until such time as the court may find appropriate;
- (d) assigning a pseudonym or a number to a child, in which case the full name and date of birth of the child shall be revealed to the accused within a reasonable period for the preparation of his or her defence;
- (e) efforts to conceal the features or physical description of the child giving testimony or to prevent distress or harm to the child, including testifying:
 - (i) behind screen;

- (ii) using image- or voice-altering devices;
 - (iii) through examination in another place, transmitted simultaneously to the courtroom by means of video link;
 - (iv) through a qualified and suitable intermediary, such as, but not limited to, an interpreter for children with hearing, sight, speech or other disabilities;
- (f) holding closed sessions;
- (g) if the child refuses to give testimony in the presence of the accused or if circumstances show that the child may be inhibited from speaking the truth in that person's presence, the court shall give orders to temporarily remove the accused from the courtroom to an adjacent room with a video link or a one way mirror visibility into the court room. In such cases, the defence lawyer shall remain in the courtroom and question the child, and the accused's right of confrontation shall thus be guaranteed;
- (h) taking any other measure that the court may deem necessary, including, where applicable, anonymity, taking into account the best interests of the child and the rights of the accused.
- (2) Any information including name, parentage, age, address, etc. revealed by the child victim or witness which enables identification of the person of the child, shall be kept in a sealed cover on the record and shall not be made available for inspection to any party or person. Certified copies thereof shall

also not be issued. The reference to the child victim or witness shall be only by the pseudonym assigned in the case.

28. **Directions for Criminal Court Judges**¹² - (i) Vulnerable witnesses shall receive high priority and shall be handled as expeditiously as possible, minimizing unnecessary delays and continuances. (Whenever necessary and possible, the court schedule will be altered to ensure that the testimony of the child victim or witness is recorded on sequential days, without delays.)

(ii) judges and court administrators should ensure that the developmental needs of vulnerable witnesses are recognized and accommodated in the arrangement of the courtroom.

(iii) separate and safe waiting areas and passage thereto should be provided for vulnerable witnesses.

(iv) judges should ensure that the developmental stages and needs of vulnerable witnesses are identified recognized and addressed throughout the court process by requiring usage of appropriate language, by timing hearings and testimony to meet the attention span and physical needs of such vulnerable witnesses by allowing the use of testimonial aids as well as interpreters, translators, when necessary.

(v) judges should be flexible in allowing the vulnerable witnesses to have a support person present while testifying and should guard against unnecessary sequestration of support persons.

¹² Virender vs. State of NCT Delhi CrI.A. No.121/08 decided by Delhi High Court on 29.09.09.

Breaking the Cycle of Violence: Recommendations to Improve the Criminal Justice Response to Child Victims and Witnesses, US Dept. of Justice). UN Model Laws

(vi) hearings involving a vulnerable witness may be scheduled on days/time when the witness is not inconvenienced or is not disruptive to routine/regular schedule of child.

29. **Allowing proceedings to be conducted in camera** – (i) When a vulnerable witness testifies, the court may order the exclusion from the courtroom of all persons, who do not have a direct interest in the case including members of the press. Such an order may be made to protect the right to privacy of the vulnerable witness or if the court determines on the record that requiring the vulnerable witness to testify in open court would cause psychological harm to him, hinder the ascertainment of truth, or result in his inability to effectively communicate due to embarrassment, fear, or timidity.

(ii) In making its order, the court shall consider the developmental level of the vulnerable witness, the nature of the crime, the nature of his testimony regarding the crime, his relationship to the accused and to persons attending the trial, his desires, and the interests of his parents or legal guardian.

(iii) The court may, *motu proprio*, exclude the public from the courtroom if the evidence to be produced during trial is of such character as to be distressing, personal, offensive to decency or public morals.

30. **Live-link television testimony in criminal cases where the vulnerable witness is involved** –(1)The prosecutor, counsel or the guardian *ad litem* may apply for an order that the testimony of the child be taken in a room outside the courtroom and be televised to the courtroom by live-link television¹³.

¹³ Proviso to Section 275 of Cr.PC

(2) In order to take a decision of usage of a live-link the judge may question the child in chambers, or in some comfortable place other than the courtroom, in the presence of the support person, guardian *ad litem*, prosecutor, and counsel for the parties. The questions of the judge shall not be related to the issues at trial but to the feelings of the child about testifying in the courtroom.

(3) The court on its own motion, if deemed appropriate, may pass orders in terms of (a) or any other suitable directions for recording the evidence of a vulnerable witness.

(4) For the application of this rule, Uttarakhand Video Conferencing Rules shall apply *mutatis mutandis*.

31. Provision of screens, one-way mirrors, and other devices to vulnerable witness from accused – The court may *suo motu* or on an application made even by the prosecutor or the guardian *ad litem* may order that the chair of the vulnerable witness or that a screen or other device be placed in the courtroom in such a manner that the child cannot see the accused while testifying. The court shall issue an order stating the reasons and describing the approved courtroom arrangement.

32. Factors to be considered while considering the application under Guidelines 31 & 32 –(1) The court may order that the testimony of the vulnerable witness be taken by live-link television if there is a substantial likelihood that the vulnerable witness would not provide a full and candid account of the evidence if required to testify in the presence of the accused, his counsel or the prosecutor as the case may be.

(2) The order granting or denying the use of live-link television shall state the reasons therefore and shall consider the following:

- (i) the age and level of development of the vulnerable witness;
- (ii) his physical and mental health, including any mental or physical disability;
- (iii) any physical, emotional, or psychological harm related to the case on hand or trauma experienced by the child;
- (iv) the nature of the alleged offence and circumstances of its commission;
- (v) any threats against the vulnerable witness;
- (vi) his relationship with the accused or adverse party;
- (vii) his reaction to any prior encounters with the accused in court or elsewhere;
- (viii) his reaction prior to trial when the topic of testifying was discussed with him by parents or professionals;
- (ix) specific symptoms of stress exhibited by the vulnerable witness in the days prior to testifying;
- (x) testimony of expert or lay witnesses;
- (xi) the custodial situation of the child and the attitude of the members of his family regarding the events about which he will testify; and
- (xii) other relevant factors, such as court atmosphere and formalities of court procedure.

33. **Mode of questioning** – To facilitate the ascertainment of the truth the court shall exercise control over the questioning of vulnerable witness.

- (i) ensure that questions are stated in a form appropriate to the developmental level of the vulnerable witness;
- (ii) protect vulnerable witness from harassment or undue embarrassment; and
- (iii) avoid waste of time by declining questions which the court considers unacceptable due to their being improper, unfair, misleading, needless, repetitive or expressed in language that is too complicated for the witness to understand.
- (iv) the court may allow the child witness to testify in a narrative form.
- (v) questions shall be put to the witness only through the court¹⁴.

34. **Rules of deposition to be explained to the Witnesses** – (1) The court shall explain to a vulnerable witness to listen carefully to the questions and to tell the whole truth, by speaking loudly and not to respond by shaking head in yes or no and also to specifically state that the witness does not remember where he has forgotten something and to clearly ask when the question is not understood.

(2)A gesture by a child to explain what had happened shall be appropriately translated and recorded in the child's deposition.

35. **Objections to questions** – Objections to questions should be couched in a manner so as not to mislead, confuse, frighten a vulnerable witness.

36. **Allow questions in simple language** – The court to allow the questions to be put in simple language avoiding slang, esoteric jargon,

¹⁴ Shiv Narain Jafa Vs. Hon'ble Judges of High Court of Allahabad, AIR 1953 SC 368

proverbs, metaphors and acronyms. The court must not allow the question carrying words capable of two-three meanings, questions having use of both past and present in one sentence, or multiple questions which is likely to confuse a witness. Where the witness seems confused instead of repetition of the same question, the court should direct for its re-phrasing.

Explanation: (i) The reaction of vulnerable witness shall be treated as sufficient clue that question was not clear so it shall be rephrased and put to the witness in a different way¹⁵.

(ii) Given the witness developmental level, excessively long questions shall be required to be rephrased and thereafter put to witness.

(iii) Questions framed as compound or complex sentence structure; or two part questions or those containing double negatives shall be rephrased and thereafter put to witness.

37. **Testimonial aids** – The court shall permit a child to use testimonial aids as defined in the definition clause.

38. **Protection of privacy and safety** –

(1) **Confidentiality of records** – Any record regarding a vulnerable witness shall be confidential and kept under seal. Except upon written request and order of the court, the record shall only be made available to the following:

- (i) Members of the court staff for administrative use;
- (ii) The Public Prosecutor for inspection;
- (iii) Defence counsel for inspection;

¹⁵ (a) Virender vs. State of NCT Delhi- decided by Hon'ble Delhi High Court in CrI.A No. 121/08 dt. 29.09.09 (b) The Journey to Justice- A Guide to Thinking, Talking and Working as a Team for Young Victims in Canada's North, 2009 Centre for Children & Families in the Justice System, Department of Justice, Canada

- (iv) The guardian *ad litem* for inspection;
- (v) Other persons as determined by the court.

(2) **Protective order** — The depositions of the vulnerable witness recorded by video link shall be video recorded except under reasoned order requiring the special measures by the judge. However where any videotape or audiotape of a vulnerable witness is made, it shall be under a protective order that provides as follows:

- (i) A transcript of the testimony of the vulnerable witness shall be prepared and maintained on record of the case. Copies of such transcript shall be furnished to the parties of the case.
- (ii) Tapes may be viewed only by parties, their counsel, their expert witness, and the guardian *ad litem*.
- (iii) No person shall be granted access to the tape, or any part thereof unless he signs a written affirmation that he has received and read a copy of the protective order; that he submits to the jurisdiction of the court with respect to the protective order; and that in case of violation thereof, he will be subject to the contempt power of the court.
- (iv) Each of the tapes, if made available to the parties or their counsel, shall bear the following cautionary notice:

“This object or document and the contents thereof are subject to a protective order issued by the court in (case title), (case number). They shall not be examined, inspected, read, viewed, or copied by any person, or disclosed to any person, except as provided in the protective order. No additional copies of the tape or any of its portion shall be made, given, sold, or shown to any person without prior court order. Any

person violating such protective order is subject to the contempt power of the court and other penalties prescribed by law.”

- (v) No tape shall be given, loaned, sold, or shown to any person except as ordered by the court.
- (vi) This protective order shall remain in full force and effect until further order of the court.

(3) **Personal details during evidence likely to cause threat to physical safety of vulnerable witness to be excluded** — A vulnerable witness has a right at any court proceeding not to testify regarding personal identifying information, including his name, address, telephone number, school, and other information that could endanger his physical safety or his family. The court may, however, require the vulnerable witness to testify regarding personal identifying information in the interest of justice.

(4) **Destruction of videotapes and audiotapes.**— Any videotape or audiotape of a child produced under the provisions of these guidelines or otherwise made part of the court record shall be destroyed as per rules framed by the High Court of Uttarakhand.

39. **Protective measures** – At any stage in the justice process where the safety of a child victim or witness is deemed to be at risk, the court shall arrange to have protective measures put in place for the child. Those measures may include the following:

- (a) avoiding direct or indirect contact between a child victim or witness and the accused at any point in the justice process;
- (b) restraint orders;

- (c) a pretrial detention order for the accused or with restraint or “no contact” bail conditions which may be continued during trial;
- (d) protection for a child victim or witness by the police or other relevant agencies and safeguarding the whereabouts of the child from disclosure;
- (e) any other protective measures that may be deemed appropriate.

No. 75/UHC/Admin.A (Recruitment Cell)/2022**Dated: 26 March, 2022**

In compliance of directions issued by Hon’ble the Supreme Court of India in Civil Appeal No. 1867 of 2006, “Malik Mazhar Sultan and Another vs. U.P. Public Service Commission and others”, the High Court of Uttarakhand, Nainital has determined following vacancies (including vacancies likely to occur within one year) for Higher Judicial Service Cadre (source wise), Civil Judge (Senior Division) Cadre and Civil Judge (Junior Division) Cadre for the Year 2022:-

Recruitment/ Selection Year 2022

Sr. No.	Cadre of Judicial Service in the State	Existing Vacancies	Future Vacancies for the Year 2022 (due to retirement or Promotion)	Vacancies Notified (including Future vacancies)
1	H.J.S. 65% by Promotion from the Cadre of Civil Judge (Senior Division) on the principle of merit-cum-seniority)	0	02	02
2	H.J.S. (10% by Promotion from the Cadre of Civil Judge (Senior Division) through Limited Competitive Examination)	0	0	Nil
3	H.J.S. (25% Direct Recruitment) (From Bar)	02	0	02
4	Civil Judge (Senior Division) by Promotion from the Cadre of Civil Judge (Junior Division)	12*	0	Nil
5	Civil Judge (Junior Division) Direct Recruitment	13	11#	11#

* Out of 12 vacancies in the Civil Judge (Senior Division) Cadre, only 11 posts are available to be filled by promotion due to the administrative reasons.

The 11 posts in Civil Judge (Junior Division) Cadre will be available as future vacancies of the year 2022, as soon as the vacancies of even number in Civil Judge (Senior Division) Cadre are filled by promotions.

Process of filling 13 existing vacancies in the cadre of Civil Judge (Junior Division) is underway at the level of Uttarakhand Public Service Commission, Haridwar.

By Orders of the Hon'ble Court

VARIOUS NOTIFICATIONS REGARDING COVID-19

No. 01./UHC/Admin.B/2022

Dated: 07th January, 2022

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 Acting Chief Justice is pleased to issue following directions for transaction of business in the Hon'ble High Court w.e.f 10.01.2022 (Monday).

1. Till further orders, only following types of cases will be taken up by the Hon'ble Court-
 - (A) All fresh matters.
 - (B) Pending matters of following category-
 - (a) Bail Applications
 - (b) Writ Petitions Criminal (WPCRL).
 - (c) Criminal Miscellaneous Application WS 482 CrPC.
 - (d) Writ Petitions (Habeas Corpus).
 - (e) Writ Petitions seeking relief against eviction, ejection, dispossessions from property, or its demolition.
 - (f) Writ Petitions seeking relief against attachment, auction or any similar legal recourse affecting the property.
 - (g) Special Appeals, where applicable, against the orders passed in aforesaid matters.

- (h) Urgency applications.
 - (i) Any other matter, as per directions, on being mentioned before the respective bench.
2. All the matters shall be taken up exclusively through video conferencing,
 3. 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.
 4. All pending matters will stand adjourned, notwithstanding they are dates fixed.

By Orders of the Acting Chief Justice

No. 02/UHC/Admin. B/2022

Dated: 7th January, 2022

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 issue following directions for conduct of work in the Subordinate Courts w.e.f. 10.01.2022(Monday).

1. Till further orders, Subordinate Courts of Dehradun (except Chakrata outlying court), Haridwar and Udham Singh Nagar alongwith outlying

Courts at Haldwani, Ramnagar, Kotdwar and Tanakpur will take up following matters only—

- (a) Remand, and all bail applications (fresh or pending)
- (b) Applications for release of property
- (c) Applications under Section 156 (3) of the Code of Criminal Procedure, 1973.
- (d) Applications for temporary injunctions/stay
- (e) Applications for interim maintenance
- (f) Applications for issue of succession certificates
- (g) Matters under section 13B of the Hindu Marriage Act, 1955
- (h) Applications for settlement of dispute by compromise
- (I) Matters relating to investigation by the Police
- (j) Final arguments, where both the parties are ready
- (k) Any extreme urgent matter arising from extraordinary circumstances. For hearing in such matter, request along with the facts that matter cannot 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.

1. The remaining subordinate Courts will take all the routine matters.
2. All matters, mentioned above, shall be taken up exclusively through video conferencing.
3. 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 for their respective Judgeships.

4. 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 Court

No. 08/UHC/Admin.B/2022

Dated 21st January, 2022

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 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 Acting Chief Justice is pleased to issue following directions for conduct of work in the Subordinate Courts w.e.f. 22.01.2022 (Saturday).

1. Till further orders, all Subordinate Courts of the State will take up following fresh and pending matters only:-
 - (a) Remand, bail applications and cancellation of warrants.
 - (b) Applications for release of property
 - (c) Applications under Section 156(3) of the Code of Criminal Procedure, 1973.
 - (d) Applications for temporary injunctions/stay, if the Jurisdictional Court by a speaking order, is satisfied that hearing on the application can not wait till this notification is in force.
 - (e) Matters relating to investigation by the Police

- (f) Any extreme urgent matter arising from extraordinary circumstances. For hearing in such matter, request along with the facts that matter cannot 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. All matters, mentioned above, shall be taken up exclusively through video conferencing.
3. During winter vacations of Civil Courts in Hill Stations of the State, the directions given in paragraph number 01 of this Notification, so far as they relate to the Civil Work, shall apply to the extent they conform to the rules governing work of the Civil Courts during the vacations.
4. 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 for their respective Judgeships, including directions regarding duties of Judicial Officers and Staff in rotations.
5. Where Judicial Officers and Staff have completed their work of the day, they may leave the Courts/Offices, provided that in the event of any urgent work, they shall immediately report for duties.
6. In these orders, in relation to the Family Courts, the word 'District Judge' shall be read as 'Principal Judge/Judge, in-charge', Family Courts.

7. Notification No. 02/UHC/Admin.B, dated 07.01.2022 of the Hon'ble is amended to the aforesaid extent.

By Orders of Hon'ble the Acting Chief Justice

No. 15 /UHC/Admin.B/2022

Dated: 18th February, 2022

Having considered the current COVID effected cases, and in view of the guidelines issued by the Government of India and the State Government, in supersession of the Notification No. 01/UHC/AdminB/2022 dated 07.01.2022 of Hon'ble High Court of Uttarakhand, the Acting Chief Justice is pleased to give following directions for transaction of business of the Hon'ble Court *w.e.f.* 21.02.2022(Monday).

1. The Hon'ble Court will take up all types of matters.
2. Without affecting discretion of the Hon'ble Court to take up any particular matter through video conferencing due to its special facts and circumstances, all other matters will be taken up through normal (physical) mode by following the COVID guidelines.
3. All the litigants, advocates, officers and staff of the Hon'ble High Court will also follow COVID guidelines, within the High Court premises, as may be issued by the Government of India, State Government and the Local Authorities from time to time for all public places.

By Orders of the Acting Chief Justice

No. 16 /UHC/Admin.B/2022**Dated: 18th February, 2022**

Having considered the current COVID effected cases, and in view of the guidelines issued by the Government of India and the State Government, in supersession of the Notification No. 08/UHC/Admin B/2022 dated 21.01.2022 of Hon'ble High Court of Uttarakhand, is pleased to give following directions for transaction of business of the Subordinate Court *w.e.f.* 21.02.2022(Monday).

1. Subordinate Court will take up all type of matters.
2. Without affecting discretion of the Subordinate Court to take up any particular matter through video conferencing due to its special facts and circumstances under the provisions of High Court of Uttarakhand Video Conferencing Rules, 2020, all other matters will be taken up through normal (physical) mode by following the COVID guidelines.
3. All the litigants, advocates, officers and staff of the Subordinate High Court will also follow COVID guidelines, within premises of the Subordinate Courts, as may be issued by the Government of India, State Government and the Local Authorities from time to time for all public places.

By Orders of the Hon'ble Court
