



सत्यमेव जयते

**UTTARAKHAND COURT NEWS**  
(A Quarterly Court Magazine)

Vol.-XII Issue No.-III (July to September, 2021)



**EDITORIAL BOARD**

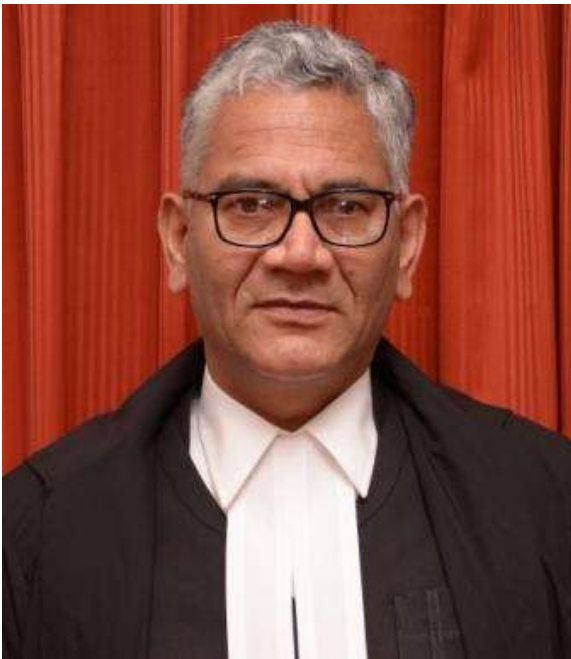
Hon'ble Mr. Justice Manoj Kumar Tiwari  
Hon'ble Mr. Justice Ramesh Chandra Khulbe  
Hon'ble Mr. Justice Alok Kumar Verma

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A quarterly newsletter published by High Court of Uttarakhand, Nainital



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



Hon'ble Mr. Justice Manoj Kumar Tiwari



Hon'ble Mr. Justice Sharad Kumar Sharma



Hon'ble Mr. Justice Narayan Singh  
Dhanik



Hon'ble Mr. Justice Ramesh Chandra  
Khulbe



Hon'ble Mr. Justice Ravindra Maithani



Hon'ble Mr. Justice Alok Kumar Verma

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**HIGH COURT OF UTTARAKHAND****LIST OF JUDGES (AS ON 30<sup>th</sup> September, 2021)**

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

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## **MAJOR EVENTS & INITIATIVES**

### **Independence Day Celebration: On 15<sup>th</sup> August, 2021**



On 15<sup>th</sup> August, 2021, Independence Day was celebrated in the High Court premises with Great enthusiasm. On this occasion, National Flag was hoisted by Hon'ble Mr. Justice Raghendra Singh Chauhan, Chief Justice. Hon'ble Mr. Justice Manoj Kumar Tiwari, Hon'ble Mr. Justice Sharad Kumar Sharma, Hon'ble Mr. Justice Narayan Singh Dhanik, Hon'ble Mr. Justice Ramesh Chandra Khulbe and Hon'ble Mr. Justice Alok Kumar Verma, graced the occasion. Officers and Officials of the Registry and Advocates were also present to mark the occasion.



Hon'ble the Chief Justice and Hon'ble Judges of the High Court of Uttarakhand with children, who performed Cultural programme on the occasion of 15<sup>th</sup> August, 2021

**PROGRAMMES ATTENDED BY HON'BLE JUDGES**

**(FROM JULY 2021 TO SEPTEMBER 2021)**

1. Hon'ble Mr. Justice Ramesh Chandra Khulbe and Hon'ble Mr. Justice Alok Kumar Verma have attended the workshop for High Court Justices on "Goods and Services Tax (GST)" through Video Conferencing at National Judicial Academy, Bhopal during the period from 18.09.2021 to 19.09.2021.
  
2. Hon'ble Mr. Justice Sharad Kumar Sharma attended the National workshop for High Court Justices, through Video Conferencing at National Judicial Academy, Bhopal during the period from 25.09.2021 to 26.09.2021.

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## **RECENT JUDGMENTS OF THE HON'BLE COURTS**

**(01.07.2021 TO 30.09.2021)**

### **Single Bench Judgments**

1. *In 1<sup>st</sup> Bail Application No. 1682 of 2020, Savez vs. State of Uttarakhand*, decided on 08.07.2021, the Hon'ble Court observed that:-

**Para 1 of Judgment** -The applicant to the present Bail Application is an accused for commission of the offences under Section 394, 411 IPC, which was registered against as Case Crime No. 464 of 2018, at Police Station, Kotwali Manglaur, District Haridwar.

**Para 14 of Judgment** -The argument of the learned counsel for the applicant is that the applicant has been bailed out in other cases, which have been detailed, hence he would be entitled to be bailed out in the present case too, is not acceptable by this Court for the reason being that this Court is of the view that there are two logical reasons for not to accept this argument:-

- (i) That apparently, the grant of bail in the seven cases, which have been detailed above, itself shows the basic psychology of the applicant to engage himself recurringly in commission of the offences, and hence, grant of a bail would mean that it would amount to give him an another opportunity to commit yet any other offences.
- (ii) Apart from that, grant of bail will in other criminal cases filed against him, would never be a guiding factor to be considered by the Court, who has to consider the bail application, independently depending upon the facts and circumstances of each case and grant of bail in the other offences, cannot be claimed as a matter of right. Hence, the said argument of the learned counsel for the applicant too is not acceptable by this Court.

**Para 15 of Judgment**-The argument of the learned counsel for the applicant that the offence complained of against the present applicant under Sections 394, 411 of IPC, registered against the present applicant at Kotwali, Haridwar are triable by Magistrate. There cannot be any dispute that these offences are triable by Magistrate, but while pressing for a parity or equity before the Court for exercising its discretionary powers, the Court will also have to bear in mind, while considering the bail application, even for the offences which are triable by Magistrate as to what social implications will it have, particularly, when admittedly the applicant is carrying a very vast criminal history of eleven such criminal cases. His consistent engagements in criminal offences, itself is sufficient not to accept the argument of the applicant's counsel, that since the offences are triable by Magistrate, he is required to be release on bail on the principles that the bail is to be granted normally and jail should be by way of an exception. This logic could be adopted only in those cases, where the applicant is not habitual offender of commission of the criminal offences.

2. *In WPMS No. 3816 of 2019, Kanwaljeet Singh Batra vs. Uttarakhand State Warehousing Corporation and another*, decided on 27.07.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment**-The sole question, that falls for consideration, in the present writ petition, is whether a Statutory Corporation, created under a Central Legislation, namely, the Warehousing Corporation Act, 1962, can put a condition in its tender notice which renders persons residing in other States, ineligible for submitting bids? In other words, whether under our Constitutional Scheme, such classification based on place of residence for entering into contract with a Statutory Corporation, would be permissible?

**Para 10 of Judgment**-A careful reading of Rule 3(6) before and after amendment indicates that besides adding proviso, the main provision was also amended vide notification dated 02.04.2018. The pre-amendment Rule 3(6) provides that other things being equal, ordinarily, the bid with lowest rates shall be accepted,

failing which all the reasons will have to be recorded due to which lowest bid was rejected. However, by the amendment the expression ‘सामान्यतः’ which means ‘ordinarily’ and the expression ‘सर्वथा’ which means ‘all’, have been deleted from Rule 3(6). By the amendment, a proviso has also been added in Rule 3(6), which permits execution of civil construction works by Government Departments under State sector up to the value of ₹ 5 Crore by permanent residents/locally registered firms provided they fulfil other conditions of eligibility.

**Para 11 of Judgment**-From perusal of the proviso to Rule 3(6), as added by the amendment made in the year 2018, it is apparent that it applies only to (a) civil construction works & (b) upto the value of ₹ 5 Crores. Furthermore, the said proviso only enables the government departments to get civil construction project executed through permanent residents/locally registered firms and it does not debar residents of other States from participating in the bidding process.

**Para 12 of Judgment**-The Board of Directors of the respondent- Corporation, however, has misread the proviso to Rule 3(6) for taking a decision to forbid residents of other States from participating in tender process, irrespective of the valuation of work. Although, the proviso to Rule 3(6) deals with civil construction work alone, however, the Board of Directors has imposed a ban on residents of other States even in respect of contracts for handling and transport services.

**Para 17 of Judgment**-Under our Constitutional Scheme, India is a Union of States. Our Constitution provides for single citizenship and single domicile. Article 14 of our Constitution grants 'equality before law' to all citizens and mandates that 'State shall not deny to any person equality before the law or equal protection of laws within the territory of India'. Articles 15 & 16 of the Constitution are extension of equality clause contained in Article 14. Article 19(1)(d) guarantees right to move freely throughout the territory of India to all citizens; Article 19(1) (e) guarantees right to reside and settle in any part of the territory of India; and Article 19(1) (g) guarantees the right to practice any profession or to carry on any occupation, trade or business to all citizens. The aforesaid rights guaranteed under

Article 19, however, are subject to such reasonable restrictions, which the State may by law impose.

**Para 18 of Judgment**-The restrictions imposed by the impugned conditions cannot be said to be reasonable. Moreover, the impugned restrictions are not backed by any legislation, State or Central.

**Para 19 of Judgment**-Since our Constitution guarantees equality to all citizens, therefore, any invidious discrimination made by the State or a Statutory Corporation based on place of birth or place of residence, would be abhorrent to the spirit of Indian Constitution. Our Constitution recognizes single domicile and single citizenship, therefore, discrimination amongst citizens based on place of residence will fall foul of Indian Constitution. A citizen remains a citizen, whichever State he resides in and the parochial tendency to discriminate citizens, based on their place of residence, cannot be upheld or else such tendency will damage the concept of federalism, which has been held to be basic structure of our Constitution.

**Para 27 of Judgment**-It is settled position in law that a classification is valid if it has intelligible differentia and also has a nexus with the object sought to be achieved. In the present case, petitioner is a contractor, duly registered with respondent no. 1-Corporation. Yet, he has been declared ineligible for participating in the bidding process only because he is not a permanent resident of Uttarakhand. Such classification has neither any intelligible differentia nor any nexus with the object sought to be achieved.

**Para 28 of Judgment**-A Statutory Corporation cannot differentiate between citizens based on their place of residence. Moreover, the primary object of any Corporation, whether owned by Government or privately owned, would be to maximise savings by getting the work done at lowest rates. The said objective is lost if the field of eligibility is restricted to residents of Uttarakhand State alone.

**Para 30 of Judgment**-Thus, in any view of the matter, the impugned condition inserted by respondent- Corporation in the e-tender notice falls foul of the Indian Constitution, therefore, it cannot be sustained in the eyes of law.

3. *In WPSS No. 2281 of 2019, Sonu Kumar vs. State of Uttarakhand and others*, decided on 29.07.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment** -The petitioner to the present writ petition, on the death of his late father Shyam Lal on 24th July 2013, claiming his appointment under the Rules called as the "Uttarakhand Dying in Harness Rules, 2003", had filed an application for appointment on the said ground, before the Executive Officer, Nagar Panchayat, Lal Kuan, District Nainital, claiming that on the date of the death of his late father, who was working with the respondent, as a Class-IV employee, since the petitioner was major and he was holding an intermediate qualification, coupled with the fact that the other dependents of late Shyam Lal had given an N.O.C., in favour of the petitioner, the petitioner may be considered for appointment on compassionate grounds, under the said Rules of 2003.

**Para 2 of Judgment** -The petitioner's application for compassionate appointment was considered by the competent authority i.e. the Chairman, Nagar Panchayat, Lal Kuan, district Nainital and while also considering the implications of Government Order No. 6729 dated 5<sup>th</sup> November 1992, which was then issued by the State of Uttar Pradesh, offer of an appointment was extended to the petitioner, to be appointed on the post of 'Sweeper', carrying a pay-scale of Rs. 4400 – 7440, with Grade Pay payable on it of Rs. 1300/-.

**Para 3 of Judgment** -The petitioner admittedly had voluntarily accepted the said appointment, and had willingly submitted his joining and ever since his appointment on 1st November 2013, he had been working in the said capacity with the respondents. Later on, at a much belated stage, the petitioner has contended; that since he has ultimately graduated himself and was also holding a Diploma in Information Processing, with System and Database Management, coupled with the fact that since he has got the knowledge of English and Hindi typing too, that

would be a qualification, which is compatible for consideration of his appointment on Class-III post, and hence he submits in the present writ petition that his appointment may be converted into a Class-III employee than that from the post on which he was originally appointed as Class-IV employee i.e. Sweeper w.e.f. 1st November 2013.

**Para 27 of Judgment** -The respondent No. 3, in its para 9 of the counter affidavit has reiterated the said stand that the petitioner is now estopped to pray for change over of the post, after acceptance of joining the post, with his consent and without raising any objection; for the reason being, that the Dying in Harness Rules of 2003 or even that of earlier Rules of 1974, do not, at all any stage permit, that a candidate whose eligibility was considered for appointment on compassionate ground, when he was offered an appointment by the employer, keeping in mind the difficulty of the family, it aimed to meet a particular welfare objective and that is why the rules itself never provided any latitude or a provision for switching over of the appointment of an employee, where he has already accepted the same without raising any objection.

**Para 28 of Judgment** -Similarly, the respondent No. 3, has submitted that in para 10 of the counter affidavit that the Nagar Panchayat, Lal Kuan District Nainital there is no such vacant post of clerk, which was then available in 2013, when the petitioner's claim for appointment was being considered on the compassionate grounds and in the absence of there being an availability of the vacant post, the petitioner could not have been appointed as it has now being claimed by him.

**Para 29 of Judgment** -The respondent No. 3, has further submitted, that if there is any subsequent creation of the post, after the appointment of the petitioner, which is created on a Class-III post that itself provides the source of its recruitments according to the cadre description of the Nagar Panchayat and the said post of Class-III employee, would only be available to be filled up by way of direct recruitment or by way of promotion; but it cannot be adjusted or made available by changing over of the appointment of the petitioner and that too at a belated stage i.e. after about 7 years of his initial appointment which was made in 2013.

**Para 30 of Judgment** -As far as the counter affidavit filed by the respondent Nos. 4 and 5 are concerned, they have in para 5 and 11 of their counter affidavit, had specifically taken a case, that the plea raised by the petitioner, that the petitioner was assured to be adjusted as a Class-III employee is absolutely not tenable; because no such assurance which was ever extended to the petitioner nor there is any such document on record to show, that any written assurance was ever extended to the petitioner by the competent authority and they too had specifically denied the claim of the petitioner on the ground that since the petitioner, has voluntarily accepted the joining, without raising any objection, he at this belated stage cannot claim for a change in the cadre, which runs contrary to the legislative intent and the provisions of the Dying in Harness Rules of appointment and that too particularly when an identical stand has also been taken by respondent Nos. 4 and 5 that there was no post of clerk which was vacant at the relevant point of time in 2013.

**Para 31 of Judgment** -The contention of the petitioner pertaining to the changing over of the appointment, the issue of non availability of the post, the specific denial made by the respondents in their counter affidavit, that no such assurance was ever extended, and the established fact of voluntary joining of the petitioner on the post of Class-IV employee were the facts which were commonly pleaded by the respondent Nos. 3, 4 and 5 in their respective counter affidavits, since it remained un-refuted by the petitioner as no rejoinder affidavit was filed by the petitioner, ever since when for the first time, the time was granted on 3rd December 2019 till the matter was finally heard on 29th July 2021, it will be deemed that the stand taken by the respondent in their counter affidavit was not denied and it would be treated that it would amount to be an acceptance of a fact, which was otherwise not established or pleaded to the contrary by the petitioner by raising any pleading in the writ petition. In that eventuality, the writ petition lacks merit and the same deserves to be dismissed.

4. *In WPSS No. 927 of 2021, Kanti Devi vs. State of Uttarakhand and others*, decided on 30.07.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment** -The petitioner has preferred this writ petition for the following reliefs:-

“I. A writ, order or direction in the nature of mandamus commanding the respondent No.3 to give consent for compassionate appointment to the petitioner under Dying in Harness Rules in light of the board resolution of respondent no.2 dated 16.05.2013 (contained as Annexure No.9 to this writ petition)

II. A writ, order or direction in the nature of mandamus commanding the respondents to consider the claim of petitioner for appointment on compassionate ground being the divorced dependent daughter of the deceased Government servant against any appropriate vacant posts in the concerned department.”

**Para 3 of Judgment**- The very purpose of Rule 5 of the Dying in Harness Rules, 1974, where the maximum tenor of period during, which the applicant could apply has been provided under Rule 5 of the Dying in Harness Rules, 1974, which could be extendable by the State for the reasons to be assigned by them to the maximum period of five years, from the date of death, which is not a factual case herein. Because the Board has already decided the matter on 16.05.2013, in favour of the petitioner. If that be the situation, the issue of the petitioner’s entitlement stood resolved by the Board on 16.05.2013, and in that eventuality, if the respondents were still not granting an approval to the appointment of the petitioner, on compassionate grounds, she ought to have approached the Court within an appropriate time.

**Para 4 of Judgment** -Having filed the writ petition with a prayer, which is extracted above, by approaching a writ court only on 27.07.2021. It runs contrary to the very intention and purpose of the welfare legislation provided under the Dying in Harness Rules, 1974, which intends to provide an immediate reprieve to the bereaved family, whose only breadwinner has died.

**Para 5 of Judgment** -The very fact that the petitioner has been able to sustain herself, ever since 2012, and till the date of the filing of the writ petition, that



itself would disentitle her to be considered for compassionate appointment, and that is what has been envisaged by the Hon'ble Apex Court in a judgment reported in AIR 1999 SC 564, "**Dhalla Ram Vs. Union of India and others**" where it has been laid down that a delayed claim or delayed enforcement of the claim for compassionate appointment would be bad in the eyes of law, being contrary to the very legislative intent of the Dying in Harness Rules, 1974.

5. *In WPCRL No. 1264 of 2021, Nandan Kumar Mittal vs. State of Uttarakhand and others*, decided on 13.08.2021, the Hon'ble Court observed that:-

**Para 2 of Judgment**-This criminal writ petition has been filed under Article 226 of the Constitution of India for quashing the FIR No.0261 of 2020, u/s 434 and 427 IPC, registered at P.S. Doiwala, District Dehradun.

**Para 3 of Judgment**-From the perusal of the FIR, (Annexure No1), it is clear that the said FIR was lodged under Sections 427 and 434 IPC; as per the First Schedule appended to the Cr.P.C., both these offences are non-cognizable; as per Chapter XII of Cr.P.C., an Officer of the Police Station has a power to lodge the information under Section 154 Cr.P.C. in case of cognizable offence; when an information is given regarding non-cognizable offence before a police officer, the police officer can reduce it in the prescribed format as per Section 155 Cr.P.C.; there is a basic difference between the two; as far as Section 154 Cr.P.C. dealing with offence in cognizable cases is concerned, the concerned officer of the Police Station is bound to investigate the matter, whereas, as per Section 155 Cr.P.C. which provides for information as to non-cognizable cases, the police officer has no suo moto power to investigate the matter, but as soon as the information is recorded by him, he will refer the informant to the Magistrate; however, as per the directions of the Magistrate, certainly, a police officer has the power to investigate a non-cognizable offence also.

**Para 4 of Judgment** -As far as present case is concerned, since the offences u/s 427 and 434 IPC fall within the category of non-cognizable offences, the concerned officer of the police station had no power to lodge the information as per Section

154 Cr.P.C. nor did he have any power to investigate the matter without obtaining the prior permission of the concerned Magistrate.

6. *In WPMS No. 69 of 2012, Simant Sahkari Sangh Limited, Chamoli vs. Taxi Union Chamoli and another*, decided on 27.08.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment-** By means of this petition under Article 227 of the Constitution of India, petitioner has challenged the judgment & order dated 21.02.2011 passed by learned Small Cause Court/Civil Judge (Senior Division), Chamoli and also the judgment & order dated 15.09.2011 passed by learned District Judge, Chamoli in J.S.C.C. Revision No. 04 of 2011.

**Para 5 of Judgment** -Learned Small Cause Court vide order dated 21.02.2011 returned the plaint to petitioner, by invoking Section 23 of Provincial Small Cause Courts Act, 1887 and held that since dispute, regarding title over the kiosk is involved in the suit, therefore, it cannot be decided in summary proceedings under provisions of the Provincial Small Cause Courts Act, 1887.

**Para 11 of Judgment** -In the present case, petitioner filed a suit for eviction alleging that he had let out the kiosk in question to the respondent, while, respondent took up the plea that he had vacated the kiosk, which was let out by petitioner to him and now he is occupying another kiosk, which he constructed over Government land, next to the building of the petitioner. Thus, a question regarding title over the kiosk in possession of the respondents arose and the relief sought by the petitioner could not be granted, without determination of question of title.

**Para 12 of Judgment** -In other words, for the purpose of granting relief, claimed by the petitioner in his suit, it was absolutely necessary for the Small Cause Court to determine finally the title to the property, which could not have been determined in the summary proceedings under the aforesaid Act.

7. *In WPMS No. 2417 of 2020, Zahira Begum vs. State of Uttarakhand and others*, decided on 01.09.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment**- In the present Writ Petition, the petitioner, who is an elected Pradhan of Village Panchayat Dhakrani, Block Vikas Nagar, District Dehradun, has put a challenge to the impugned order dated 4<sup>th</sup> December, 2020, as it has been passed by respondent No. 2, i.e. the District Magistrate, Dehradun, whereby, as a consequence thereto, in view of the aforesaid order, the District Magistrate, had taken over the charge of the Office of Gram Pradhan, from the petitioner and has handed over it to the Deputy Pradhan of Village Panchayat Dhakrani, Block Vikas Nagar, Dehradun, apparently, shown to have been passed in exercise of his powers under Section 138 (1) (c) of the Panchayati Raj Act, as applicable to the State of Uttarakhand, called as “Uttarakhand Panchayati Raj Act of 2016”, (hereinafter to be referred as “Act No. 11 of 2016”). Besides this, the petitioner has also sought a prayer by way of a writ of mandamus directing the respondents, not to cause or create any hindrance in the peaceful functioning of the petitioner as Pradhan of the said village, and in discharge of his duties attached to the Office of Pradhan.

**Para 30 of Judgment** -Even otherwise there is nothing on record to show that there happens to be any Rules framed by the State of Uttarakhand for the purposes of removal of the elected Pradhan or Up-pradhan, and consequently, the principles of the U.P. Panchayat Raj Rules 1997, would apply. If that be the situation, in that eventuality, the procedure for removal of Pradhan, even if it is presumed by attracting the provisions contained under Section 138, apart from the fact, that it could be exercised by the State and not by the District Magistrate, hence, this Court holds, that the procedure for conducting the preliminary inquiry and the final inquiry, therein, has been provided under the Rules of 1997, which has been framed under Section 95 (1) of the U.P. Panchayat Raj Act of 1947, would not apply under the circumstances of the present case, where complaint of 05.11.2019, has been instituted prior to amendment made w.e.f. 20.01.2020, as the procedural law cannot be made applicable retrospectively.

**Para 31 of Judgment** -If the impugned order passed by the District Magistrate is taken into consideration, in fact, it does not satisfy the strict test of procedure which has

been even provided under the Rules of 1997, which has been made applicable by the amendment of 20<sup>th</sup> January, 2020, as no preliminary inquiry provided under Rule 4 of Rule of 1997, was ever conducted after appointing the Inquiry Officer under Rule 5 and conducting the inquiry under Rule 6 of the Rules, thus it doesn't show that the procedure was ever adhered to and this in itself would vitiate the entire proceedings itself.

**Para 32 of Judgment** -There is another logic for not accepting the contention of the learned counsel for the respondents, who are supporting the impugned order, the reason being, that if Section 9 itself of the U.P. Panchayat Raj Act, is taken into consideration, under the strength of which, the Rules of 1997, have been framed, it had specifically provided the power of suspension. Power of suspension was to be resorted to as a first step during the pendency of the fact finding inquiry in order to establish the set of allegations levelled against the Pradhan so as to test the bona fides of the complaint. But, in the instant case, there is not even a single piece of evidence on record, to show that any of the allegations contained under Section 95 (1) (g), particularly as contained in its proviso, under which, the Rules of 1997, has been framed, was ever complied with, because the suspension of the Pradhan itself under the Rules of 1997, could be only when satisfaction is recorded by the authority competent to suspend, based on the prima facie of the establishment of the charge levelled in the complaint.

**Para 33 of Judgment** -Hence, in that view of the matter, if the Rules of 1997, for a moment, it is taken into consideration, that if at all, it would be applied in the light of the amendment by Act No. 20 of 2020, of State of Uttarakhand, even then too, the grounds narrated therein, under Section 95, i.e. under the Principal Act of the U.P. 1997, was not existing, whereby the power of suspension could have been shown to have been exercised, under the proviso to the said provisions.

**Para 34 of Judgment** -Though the fact remains that in the instant case, in the absence of there being any fact finding recorded even if under Section 95 of the old repealed Act of 1947, to the said effect, once the Pradhan, has not been suspended on the set of allegations, though it might be outside the ambit and scope of the allegation falling

within the domain of provisions contained under Section 138 (1) (c) and Section 95, the impugned order passed by the District Magistrate, would be vitiated.

**Para 35 of Judgment** -Thus for the reasons aforesaid, the Writ Petition is allowed and the relief claimed therein is granted.

8. *In CRLR No. 60 of 2021, Pushpraj Singh Chauhan and another vs. State of Uttarakhand and another*, decided on 02.09.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment** -This revision, preferred under Sections 397/401 of the Code of Criminal Procedure, 1973 (hereinafter to be referred to as 'the Cr.P.C') is directed against the order dated 24.02.2021 passed by learned Special Judge (POCSO)/Additional Sessions Judge, Haridwar in an application moved by the complainant- respondent no.2 (Paper No.38Kha) under Section 319 of the Cr.P.C. in Special Sessions Trial No.179 of 2019, State v. Naveen Kumar.

**Para 10 of Judgment** -Section 319 of the Code springs out from the dictum *judex damnatur cum nocens absolvitur* (Judge is condemned when guilty is acquitted). Section 319 is an enabling provision which can be invoked by the Court only if evidence surfaces in the course of an inquiry or trial disclosing the complicity of a person or persons other than the person or persons already arraigned before it. Section 319 deals with only one situation, namely, the complicity coming to light from the evidence taken and recorded in the course of an inquiry or trial. This may happen not merely in cases where despite the name of a person figuring in the course of investigation the investigating agency does not send him up for trial but even in cases where the complicity of such a person comes to light for the first time in the course of evidence recorded at the inquiry or trial. Once the purport of Section 319 is so understood it is obvious that the scope of its operation or the area of its play would also be limited to cases where after cognizance the involvement of any person or persons in the commission of the crime comes to light in the course of evidence recorded at the inquiry or trial.

**Para 12 of Judgment** -From the law laid down by Hon'ble Apex Court in Hardeep Singh's case (Hardeep Singh v. State of Punjab and others reported in (2014) 3 SCC 92), it emerges that- (i) the Court can exercise power under Section 319 Cr.P.C. even on the basis of the statement made in examination-in- chief of witnesses concerned; and (ii) Court need not wait till the cross examination of such a witness and the Court need not wait for the evidence against accused proposed to be summoned to be tested by cross examination and to a person not named in the FIR or a person so named in the FIR, but, to have not been charge-sheeted or a person who has been discharged can be summoned under Section 319 Cr.P.C., provided from the evidence it appears that such person can be tried along with accused already facing trial.

**Para 15 of Judgment** -In a recent judgment in the case of '*Sartaj Singh v. State of Haryana and another*' reported in (2021) 5 SCC 337, the Apex Court has discussed in detail the object and purpose of Section 319 Cr.P.C.; the scope and ambit of powers of Magistrate; as to when the additional accused may be added and 'evidence' on basis of which they may be added.

**Para 16 of Judgment** -The same Bench of the Hon'ble Apex Court, of-late, in *Manjeet Singh v. State of Haryana and others* (Criminal Appeal No.875 of 2021 decided on 24.08.2021), relying upon the aforementioned judgments, has held that:-

*“At the stage of exercising the powers under Section 319 of the Cr.P.C., the Court is not required to appreciate and/or enter on the merits of the allegations of the case. The powers under Section 319 Cr.P.C. can be exercised at any stage from commencing of the trial and recording of evidence/ deposition and before the conclusion of the trial at any stage.”*

**Para 22 of Judgment** -For the aforementioned reasons, I do not find any illegality, perversity or incorrectness in the order dated 24.02.2021 passed by the Trial Court

in an application (Paper No.38Kha) moved by the informant- respondent under Section 319 of the Cr.P.C. in SST No.179 of 2019.

9. *In Writ Petition (Criminal) No. 835 of 2021, Pankaj Chaudhary and another vs. State of Uttarakhand and another*, decided on 03.09.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment** -Instant writ petition under Article 226 of the Constitution of India was initially filed for quashing of the FIR No. 198 of 2021, under Sections 147, 153A, 504 & 506 IPC and Section 3 (1) (x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act"), Police Station Jhabrera, District Haridwar and related reliefs. During the pendency of petition, charge sheet was submitted in the case. Thereafter, by way of amendment, the petitioners have also sought quashing of the charge sheet as well as the cognizance order 22.07.2021, passed by the District and Sessions Judge, Haridwar, in Special Sessions Trial No. 19 of 2021, State of Uttarakhand Vs. Pankaj Chaudhary and another.

**Para 4 of Judgment** -It is the case of the petitioners that in order to politicize the whole incident, and for some ulterior purposes and motives, the FIR has been lodged in the case; perusal of the video footage of the incident reveals that as such, no threats were extended to the victim and no caste coloured remarks were made; the victim is a politically powerful person, therefore, under his influence, FIR was lodged; It is mala fide.

**Para 5 of Judgment** -Learned counsel for the petitioners makes the following arguments:

1. Perusal of the video clippings reveals that no offence is made out. The petitioners did not extend any threat or used any caste coloured remarks against the victim. The FIR is nothing, but a cooked up story.
2. Being a member of Public, the petitioners only raised their grievances against their representative, who is the victim. The

petitioners did not in any manner insult the victim.

3. The provisions of the Act are not applicable in the case because the victim has not been humiliated in any manner.
4. In any case, if anyone has uttered caste coloured remarks that also does not make out any case punishable under the Act, because the victim has not been insulted for his caste alone.

**Para 12 of Judgment** -In the case of Vineet Kumar (Vineet Kumar and others Vs. State of Uttar Pradesh and another, (2017) 13 SCC 369), Hon'ble Supreme Court, *inter alia*, observed **“inherent power given to the High Court under Section 482 Cr.PC. is with the purpose and object of advancement of justice. In case solemn process of Court is sought to be abused by a person with some oblique motive, the Court has to thwart the attempt at the very threshold.”** In this case, the Hon'ble Supreme Court followed the principles of law, as laid down in the case of Bhajan Lal (State of Haryana and Others Vs. Bhajan Lal and Others, 1992 Supp (1) SCC 335).

**Para 15 of Judgment** -In the case of Hitesh Verma, the Hon'ble Supreme Court observed that **“therefore, offence under the Act is not established merely on the fact that the informant is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste.”**

**Para 27 of Judgment** -In the case of State of Karnataka vs. M. Devendrappa and another, (2002) 3 SCC 89, the Hon'ble Supreme Court observed **“Judicial process should not be an instrument of oppression, or, needless harassment. Court should be circumspect and judicious in exercising discretion and should take all relevant facts and circumstances into consideration before issuing process, lest it would be an instrument in the hands of a private complainant to unleash vendetta to harass any person needlessly.**

**Para 51 of Judgment** -In the case of Hitesh Verma (Hitesh Verma Vs. State of Uttarakhand and another (2020) 10 SCC 710), the Hon'ble Supreme Court held that unless there is an intention to humiliate, the offence under the Act does not get



attracted. In the instant case, this Court had held that the conversation between the petitioners and the victim was not for the purpose or intention of insulting or humiliating the victim. It was a complaint against the victim. It was questioning of the victim, who happened to be the local MLA. The victim was alongwith his security staff. Under the facts and circumstances of the case, any statement of the witness that any caste coloured remarks were made by the petitioners, appears to have been made with some ulterior motive to wreak vengeance and it is *malafide* also. Accordingly, interference is warranted.

**Para 52 of Judgment** -In the instant case, the Court has already held that utterance of caste coloured remarks by the petitioners, as stated by the witnesses, appears to be *malafide*. Therefore, there is no question of any intention to use such words. Even otherwise, as stated hereinabove, the intention of the petitioners and other villagers was to question their public representative for his non performance. He happened to be the victim. He was questioned and in fact, cornered by the petitioners and the villagers for his non performance. It also appears that the victim had no grievance till video was not made public. But, once it was made public with ulterior motives, the FIR was lodged. The FIR, it appears to have been lodged to silence the voice of those who questioned the non performance of the victim. It may be well termed as *malafide* criminal proceedings.

**Para 53 of Judgment** -In view of the above, this Court is of the view that it is a case which warrants interference and the petition deserves to be allowed.

10. *In WPMS No. 382 of 2019, S. Jagir Educational Society vs. Sub Registrar, Firms, Societies and Chits, District Udham Singh Nagar*, decided on 07.09.2021, the Hon'ble Court observed that :-

**Para 1 of Judgment** -Petitioner is a society registered under the Societies Registration Act, 1860 (for short 'the Act'). It was so registered on 12.08.2013 for five years. The petitioner society moved an application for renewal of the registration before expiry of the period of registration, but, it was not decided by the authority concerned. It compelled the petitioner society to move Writ

Petition No.3432 of 2018 before this Court, which was decided on 16.11.2018 with the direction to the respondent authority to take a decision on the pending application of the petitioner society in accordance with law, within a period of six weeks from the date of production of certified copy of the order. The respondent no.1 by an order dated 16.01.2019 refused to renew the society on the ground that there is a dispute with regard to the office bearer of the management committee of the society. While refusing, the respondent no.1 also referred the dispute to the prescribed authority under Section 25(1) of the Act. The order dated 16.01.2019 is impugned in the instant petition seeking mandamus so that respondent no.1 may be directed to renew the registration of petitioner society.

**Para 2 of Judgment-** Initially, the petition was filed against respondent no.1 alone. During pendency of the petition, the respondent no. 2 moved an application for impleadment, which was allowed by this Court on 04.11.2020. Accordingly, respondent no.2 was impleaded.

**Para 5 of Judgment** -According to respondent no.2, the application of the petitioner society for renewal was rightly rejected, after recording the finding that there is a dispute pending with regard to respondent no.2.

**Para 19 of Judgment** -Section 3 of the Act makes provision with regard to registration and fees. For the purpose of the instant matter, Section 3 of the Act is important.

**Para 20 of Judgment** -Section 3(A) of the Act deals with renewal of certificate of registration.

**Para 27 of Judgment** -It is true that under Section 3 (A) (4) of the Act, it is provided that every application for renewal of the certificate shall be accompanied by the list of members. But if the list of members is not filed, does it mean that the matter shall be referred to the State Government under Section 3(B) or the persons seeking renewal would be required to submit the list. There may be another eventuality that the list itself may be disputed but can again in this eventuality, the matter would be referred to under Section 3(B) or the Registrar on his own would

decide the matter under Section 4 of the Act. In the alternate, what would be those situation when under Section 3(B) of the Act, the reference could be made to the State Government. This is a short question and related to it is whether the impugned order is lawful or not?

**Para 28 of Judgment** -Section 3 (B) of the Act, as quoted hereinbefore, is applicable only in cases when question arises whether any society is entitled to get itself registered. Dispute of membership is something different than entitlement of a society to get itself registered.

**Para 29 of Judgment** -In the instant matter, the petitioner society was registered after commencement of the Act. In the case of Smt. Gujarati Devi Singhal Mahila Vidyalaya (Smt. Gujarati Devi Singhal Mahila Vidyalaya and others Vs. Assistant Registrar, Firms Societies and Chits, Gorakhpur Division, Gorakhpur and another, 1996 27 ALR 277), the Hon'ble Court dealt with two aspects namely (i) as to the entitlement of the person who seeks renewal of the society and (ii) what if there is an objection about the membership of the governing body or any person. In the instant case, based on dispute about membership in management body by the impugned order, renewal has been denied. It is not the dispute that the person who was seeking renewal was not entitled to move such an application. In the case of Smt. Gujarati Devi Singhal Mahila Vidyalaya (Smt. Gujarati Devi Singhal Mahila Vidyalaya and others Vs. Assistant Registrar, Firms Societies and Chits, Gorakhpur Division, Gorakhpur and another, 1996 27 ALR 277), the Hon'ble Court referred to the judgment in the case of Committee of Management Vs. Assistant Registrar, 1995 (2) UPLBEC 1242 and it was held in that case that **“if an objection is raised about the membership of the governing body or any person, it is the duty of the Registrar to decide it under Section 4 of the Act and it is not necessary to refer the said dispute or doubt to the prescribed authority.”** Instant is the case. Here dispute has been raised by respondent no.2 about her being office bearer of the Management Committee.`

**Para 31 of Judgment** -Not only this, in the case of Liyakat Marquise Khan Vs. Christ Church College Society College, Kanpur and others MANU.UP.0915.2010,

a renewal of the society was cancelled on a complaint. The scope of Section 3 (B) and 4(A) of the Act was widely discussed and paragraph 12 of the judgment, the Hon'ble Court observed as hereunder;

“12. In our opinion, Section 3-B of the Act is attracted, when any Society applies for registration. The provision for renewal is contained in Section 3-A of the Act. There is no dispute that when the Society was registered considering its objects, its application was not rejected. Section 3-B really would not apply, as the renewal can only be refused on the grounds on which the registration could not have been ordered. There is no dispute that the Society was registered. In other words, the objects were within the scope of the Act. No dispute has been raised that the objects by the purported amendment have been altered which would result into the Society not being entitled to be registered. Once that be the case, the question of reference to the State Government would not arise, as there is no dispute, which could be referred within the meaning of Section 3-B of the Act. In the light of that, the impugned order is liable to be set aside.”

**Para 32 of Judgment** -Petitioner society was registered under the Act. It means that it had fulfilled the requisite as required under Section 3 of the Act. It was not a case, which had then attracted the provision of Section 3(2) of the Act. Renewal was sought. In fact, prior to that, there was already a dispute existing between the membership of the respondent no. 2 in the management body of the petitioner society. The first writ petition had already been filed in the Court. When order on renewal application was passed, it was denied on the ground that there is a dispute with regard to membership of the management body. But, then, it also does not attract the provision of Section 3(2) of the Act. In view of the judgment in the case of Smt. Gujarati Devi Singhal Mahila Vidyalaya (Smt. Gujarati Devi Singhal Mahila Vidyalaya and others Vs. Assistant Registrar, Firms Societies and Chits, Gorakhpur Division, Gorakhpur and another, 1996 27 ALR 277), such dispute could have been decided by respondent no.1 under Section 4 of the Act and still, if there was any dispute, it could have been referred to under Section 25 of the Act, but renewal could not have been denied on this ground. It is not a case, in which, there is a dispute with regard to entitlement of the petitioner society to get registered or to get renewal of its registration. Therefore, it is not a case, which may attract the

provisions of Section 3 (B) of the Act. Accordingly, this Court is of the view that the impugned order is not in accordance with law and it deserves to be quashed and the writ petition allowed.

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## **MAJOR ACTIVITIES OF SLSA DURING THE PERIOD OF JULY 2021 TO SEPTEMBER 2021**

### **MULTI-PURPOSE LEGAL LITERACY-CUM-MEDICAL CAMP AT GOVERNMENT INTER COLLEGE, BADKOT, UTTARKASHI:**

A Multi-purpose/New Module Legal Service Camp was organized on 27<sup>th</sup> September, 2021 in the Government Inter College Campus, Badkot, District Uttarkashi. The said camp was inaugurated and chaired by the Hon'ble Executive Chairman, UKSLSA, Nainital. The Member Secretary, UKSLSA, District Judge/Chairman and Secretary, DLSA Uttarkashi, District Magistrate, Superintendent of Police, Uttarkashi, Municipality President, Chief Development Officer, SDM Badkot, Chief Veterinary Officer, Bar Association President Purola and other officers, Advocate were also present in the said multipurpose camp.

Hon'ble Executive Chairman, UKSLSA Nainital aware the participants that through National Legal Services Authority, Uttarakhand State Legal Services Authority and at district level District Legal Services Authorities, various schemes have been implemented for free legal help to poor and marginalized people. The said schemes are being made access to the common mass through Para-Legal Volunteers enrolled with DLSAs.

Hon'ble Executive Chairman, asked to common mass to avail the services of this important scheme. Also informed that who are unable to file their case due to financial and economical constraints or are not able to hire lawyers at High Court and Supreme Court Level, for such people, free Legal Aid Services are being made available to them by the State Legal Services Authority. Hon'ble Executive Chairman also visited the Stalls set-up by various departments on the occasion.

Member Secretary, UKSLSA, Nainital said that the main objective of the camp is to provide justice to the common man and the underprivileged and to provide free & competent Legal Services is a priority. Certainly efforts are being made to provide justice to the underprivileged at every level through such camps. Also informed that to provide free legal aid services National Legal Services

Authority at national level, State Legal Services Authority at state level and District Legal Services Authority at district level have been constituted.

Various departments like Animal Husbandry, Horticulture, Agriculture, Health, Child Development, Social Welfare, Revenue, Panchayati Raj, Rural Development etc., by setting up departmental stalls, provided detailed information about the public welfare schemes of the government.

In the Legal Literacy Camp, Hon'ble Executive Chairman, distributed machines to **11** hearing impaired people. Wheelchair were also distributed to disabled persons. Cheques of **Rs. 10 lakhs** and **Rs. 4 lakhs** were also distributed to **02** beneficiaries under the Prime Minister and Chief Minister's Self Employment Scheme. Power Winder was provided to a farmer. Further, Animal Husbandry Department distributed medicines to **60** cattle owners and distributed cheques for cow and goat rearing to **05** SC/ST beneficiaries. Agriculture Department benefited **15** people and Horticulture Department benefited **13** cultivators. Industry Department benefited **14**, Electricity Department benefited **11** people. **20** applications for various pension cases were distributed by the Social Welfare Department. In which necessary action was taken for the pension sanctioned to **04** beneficiaries. A copy of **07** family registers was issued by the Panchayat Raj Department. Revenue department issued **08** Income Certificates. **20** people benefited by Child Development Department. Chief Minister Mahalaxmi Kits were distributed to **02** women. Health check-up of **30** people was conducted by the Health Department.



### **INAUGURATION OF FRONT OFFICE AT DLSA NAINITAL:**

As per NALSA Guidelines, DLSA Nainital has established a Front Office in the District Court Campus Nainital. The Hon'ble Executive Chairman, UKSLSA Nainital has inaugurated the said Front Office on 23.09.2021 at District Court Campus Nainital. The Member Secretary, UKSLSA Nainital, Chairman and Secretary, DLSA Nainital were also present in the inauguration programme organized. The Secretary, DLSA Nainital has informed the Mediation Persons that the Front Office work as One Stop Centre for legal aid seekers. Function of Front Office includes providing legal advice, drafting petitions, applications etc.



### **INAUGURATION OF LEGAL ASSISTANCE CENTER:**

The Hon'ble Executive Chairman, UKSLSA Nainital inaugurated a Legal Assistance Center on 27.09.2021 established by the **DLSA Uttarkashi** at remote village Bagori (Harshil), Uttarkashi. Under the aegis of District Legal Services Authority, the local villagers will get the facility of free and basic legal service through Legal Assistance Center.





### **CELEBRATION OF 'HARELA' FESTIVAL:**

On the eve of Harela Festival, Uttarakhand SLSA conducted '**Weekly Plantation Drive**' from 16.07.2021 to 22.07.2021 throughout State of Uttarakhand. Plantation drive was started from the premises of Uttarakhand SLSA and Hon'ble the Executive Chairman and Member Secretary, Uttarakhand SLSA planted two trees of 'Chinese Fan Palm' on 16.07.2021, during the occasion, the Officer on Special Duty and staffs of Uttarakhand SLSA Nainital were also present.

During this Weekly Plantation Drive on the eve of Harela Festival, total **18,353** Plants were planted by all the DLSAs throughout the State of Uttarakhand.

**Plantation on Harela Festival by the Hon'ble Executive Chairman, Member Secretary & Officer on Special Duty, UKSLSA, Nainital at ADR Center Campus, Nainital on 16.07.2021.**



**PLVS TRAINING BY DLSA NAINITAL:**

DLSA Nainital organized 05 Days Training Programme for new selected Para Legal Volunteers from 31.08.2021 to 04.09.2021 at Conference Hall, District Court Campus, Nainital. Total 105 PLVs were imparted training during the said training programme.



**PLVS TRAINING BY DLSA RUDRAPRAYAG:**

One Day Training Programme through virtual mode was organized by the DLSA Rudraprayag on 30.07.2021. The said training programme was organized in coordination with Uttarakhand Judicial and Legal Academy, Bhowali, Nainital. The said training programme was attended by the 24 PLVs enrolled with DLSA Rudraprayag.

**PLVS TRAINING BY DLSA TEHRI GARHWAL:**

DLSA Tehri Garhwal organized 03 days Basic and Capacity Building Training Programme during July, 2021 for the PLVs enrolled with DLSA Tehri Garhwal.

**ONLINE TRAINING BY DLSA UDHAM SINGH NAGAR:**

DLSA Udhham Singh Nagar organized Online Refresher Training in the month of July, 2021 for SJPU/JJB/CWC, Judicial Officers, In-charge Juvenile /Observation/Special Homes/Place of Safety and all Stake Holders with reference to NALSA Scheme.

**ONLINE TRAINING FOR PLVs BY DLSA PITHORAGARH:**

DLSA Pithoragarh organized 03 Days Training Programme from 24.08.2021 to 26.08.2021 for PLVs enrolled with DLSA. During the training PLVs were sensitized about different Rules & Provisions and directed to inform common mass about inauguration of Mobile Court Units. They were also asked to help and admit drug addict persons in Nasha Mukti Kendra. PLVs were also directed to inform the citizens about Govt. Welfare Schemes.

**NATIONAL LOK ADALATS DATED 10.07.2021 AND 11.09.2021:**

During the period from July, 2021 to September, 2021 two (02) National Lok Adalats were organized on 10.07.2021 and on 11.09.2021. These Lok Adalats were organized right from Hon'ble High Court to Outlying Courts. By these National Lok Adalats a total Number of 15030 cases were referred and out of them total 8943 cases were settled amicably and a sum of Rs. 1,07,07,12,603 were settlement amount.

A total number of 9944 Pre-Litigation cases were taken-up in the said National Lok Adalats and out of them 2106 cases were settled amicably and Rs. 20,36,38,009 were settled as settlement amount.

Quasi Judicial Court such as Consumer Courts, Labour Courts and Debt Recovery Tribunal (DRT), Dehradun were also included in the National Lok Adalat dated 11.09.2021. DRT Dehradun referred total 248 cases and 11 were settled, Rs. 3,74,54,000 were settlement amount. Total number of 106 cases were referred in the Consumer Courts and 56 were settled and Rs. 51,42,848 were settlement amount. Total 28 cases were also settled by the Labour Court and 14 were disposed off and Rs. 22,44,981 were settled as settlement amount.

**PUBLICATION AND INSTALLATION OF INFORMATIVE MATERIALS ON THE TOPIC OF "PRE-ARREST, ARREST AND REMAND STAGE"**

To ensure assistance at time when the person is most vulnerable, NALSA has emphasized on the strengthening of Legal Services Institutions to provide early access to justice at pre-arrest, arrest and at remand stage. In this regard Uttarakhand SLSA is of the view that for ensuring early access to justice and assistance at pre-arrest, arrest and at remand state, wider awareness of the legal rights of the persons with regard to these components are essentially required.

As per directions of Hon'ble Executive Chairman, UKSLSA Nainital all the District Legal Services Authorities have been directed to publish the approved

informative material relating to Legal Right to Persons at ‘Pre-Arrest, Arrest and Remand Stage and ensure affixation and pasting of the printed materials within the district.



# उत्तराखण्ड राज्य विधिक सेवा प्राधिकरण

## उच्च न्यायालय परिसर नैनीताल

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<h3>गिरफ्तारी से पूर्व कानूनी सहायता</h3> <p>जब आप गिरफ्तारी से पहले कानूनी सहायता चाहते हैं, तो आपको अपने अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>गिरफ्तारी से पहले कानूनी सहायता लेना आपका अधिकार है।</li> <li>अगर आपको गिरफ्तारी से पहले कानूनी सहायता लेनी चाहिए, तो आपको अपने अधिकारों को जानना चाहिए।</li> <li>अगर आपको गिरफ्तारी से पहले कानूनी सहायता लेनी चाहिए, तो आपको अपने अधिकारों को जानना चाहिए।</li> </ul>	<h3>गिरफ्तारी की अवस्था पर कानूनी सहायता</h3> <p>गिरफ्तारी के दौरान आपको अपने अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>गिरफ्तारी के दौरान आपको अपने अधिकारों को जानना चाहिए।</li> <li>गिरफ्तारी के दौरान आपको अपने अधिकारों को जानना चाहिए।</li> <li>गिरफ्तारी के दौरान आपको अपने अधिकारों को जानना चाहिए।</li> </ul>	<h3>रिमांड की अवस्था में कानूनी सहायता</h3> <p>रिमांड के दौरान आपको अपने अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>रिमांड के दौरान आपको अपने अधिकारों को जानना चाहिए।</li> <li>रिमांड के दौरान आपको अपने अधिकारों को जानना चाहिए।</li> <li>रिमांड के दौरान आपको अपने अधिकारों को जानना चाहिए।</li> </ul>
<h3>पुलिस की सूचना</h3> <p>पुलिस को सूचना देना आपके अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>पुलिस को सूचना देना आपके अधिकारों को जानना चाहिए।</li> <li>पुलिस को सूचना देना आपके अधिकारों को जानना चाहिए।</li> <li>पुलिस को सूचना देना आपके अधिकारों को जानना चाहिए।</li> </ul>	<h3>पुलिस की भूमिका</h3> <p>पुलिस की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>पुलिस की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>पुलिस की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>पुलिस की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> </ul>	<h3>पुलिस का तस्बिर</h3> <p>पुलिस का तस्बिर लेना आपके अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>पुलिस का तस्बिर लेना आपके अधिकारों को जानना चाहिए।</li> <li>पुलिस का तस्बिर लेना आपके अधिकारों को जानना चाहिए।</li> <li>पुलिस का तस्बिर लेना आपके अधिकारों को जानना चाहिए।</li> </ul>
<h3>जिला विधिक सेवा अधिकरण की भूमिका</h3> <p>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> </ul>	<h3>जिला विधिक सेवा अधिकरण की भूमिका</h3> <p>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>जिला विधिक सेवा अधिकरण की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> </ul>	<h3>पैनल अधिवक्ता की भूमिका</h3> <p>पैनल अधिवक्ता की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</p> <ul style="list-style-type: none"> <li>पैनल अधिवक्ता की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>पैनल अधिवक्ता की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> <li>पैनल अधिवक्ता की भूमिका को जानना आपके अधिकारों को जानना चाहिए।</li> </ul>

**अधिक जानकारी के लिए उपरोक्त कार्यालय से सम्पर्क करें।**  
अथवा

जिला विधिक सेवा प्राधिकरण, [ ] फोन नं. [ ] ई-मेल [ ] के कार्यालय से सम्पर्क करें।

**OBSERVATION OF ‘WORLD POPULATION DAY’:**

On 11<sup>th</sup> July, 2021, ‘World Population Day’ was observed by the District Legal Services Authorities in the State. During the day online Webinar, micro Legal Literacy Camps, Seminars, Meeting, Legal Literacy Programme, online Awareness Programme was organized by the DLSAs. On the day 17 Programmes were organized by all the DLSAs throughout the State of Uttarakhand.

## **CAMPAIGN FOR GROUND LEVEL INFORMATION RELATING TO ISSUES AND CHALLENGES FACED BY THE TRIBAL COMMUNITY**

During the month of July, 2021, as per directions of Hon'ble Patron-in-Chief, UKSLSA, Nainital conducted days long campaign throughout the State of Uttarakhand to the areas Populated with Tribal Community. Detailed report as received from District Legal Services Authorities in the State of Uttarakhand is as under:

- Tribal community namely **Bhotiya, Raji, Bhoksa, Tharu etc.** are living in the State of Uttarakhand.
- Total population of **Bhotiya, Raji, Bhoksa, and Tharu** tribal communities living in the State of Uttarakhand are **2,33,340** including male, female, children, widows and senior citizens.

District wise population report as received from the DLSAs is as under:-

<b>District</b>	<b>Male</b>	<b>Female</b>	<b>Children</b>	<b>Widow</b>	<b>Senior Citizen</b>
Almora	228	213	145	31	63
Bageshwar	971	1011	261	52	59
Chamoli	2205	2093	2341	340	412
Champawat	205	260			
Dehradun	58246	53399			
Haridwar	3358	2938	429	102	
Nainital	3801	3694			
Pauri Garhwal	865	764			
Pithoragarh	9639	10055	11855	2114	1303
Rudraprayag	Nil				
Tehri Garhwal	105	90			
Udham Singh Nagar	20833	21604	8914	1139	5523
Uttarkashi	1355	1124			
<b>Total</b>	<b>101811</b>	<b>97245</b>	<b>23945</b>	<b>3778</b>	<b>7301</b>

Benefits of Government Welfare Schemes as provided to such Tribal Communities is as under:-

- Scholarship
- Atal Awas Yojna
- Daughter Marriage Yojna
- Atal Adarsh School Yojna
- Atal Hostel School
- ST Hostel Facility
- Old Age Pension
- Disability Pension
- Widow Pension
- Kisan Pension
- Sheep rearing
- Spinning weaving training
- Handloom Yojna
- COVID-19 Vaccination
- Self employment loan
- AADHAR Card
- RATION Card
- Health Insurance
- Poultry Farming
- Agricultural Dept. PKVI

Issues and challenges being faced by the tribal community are as under:

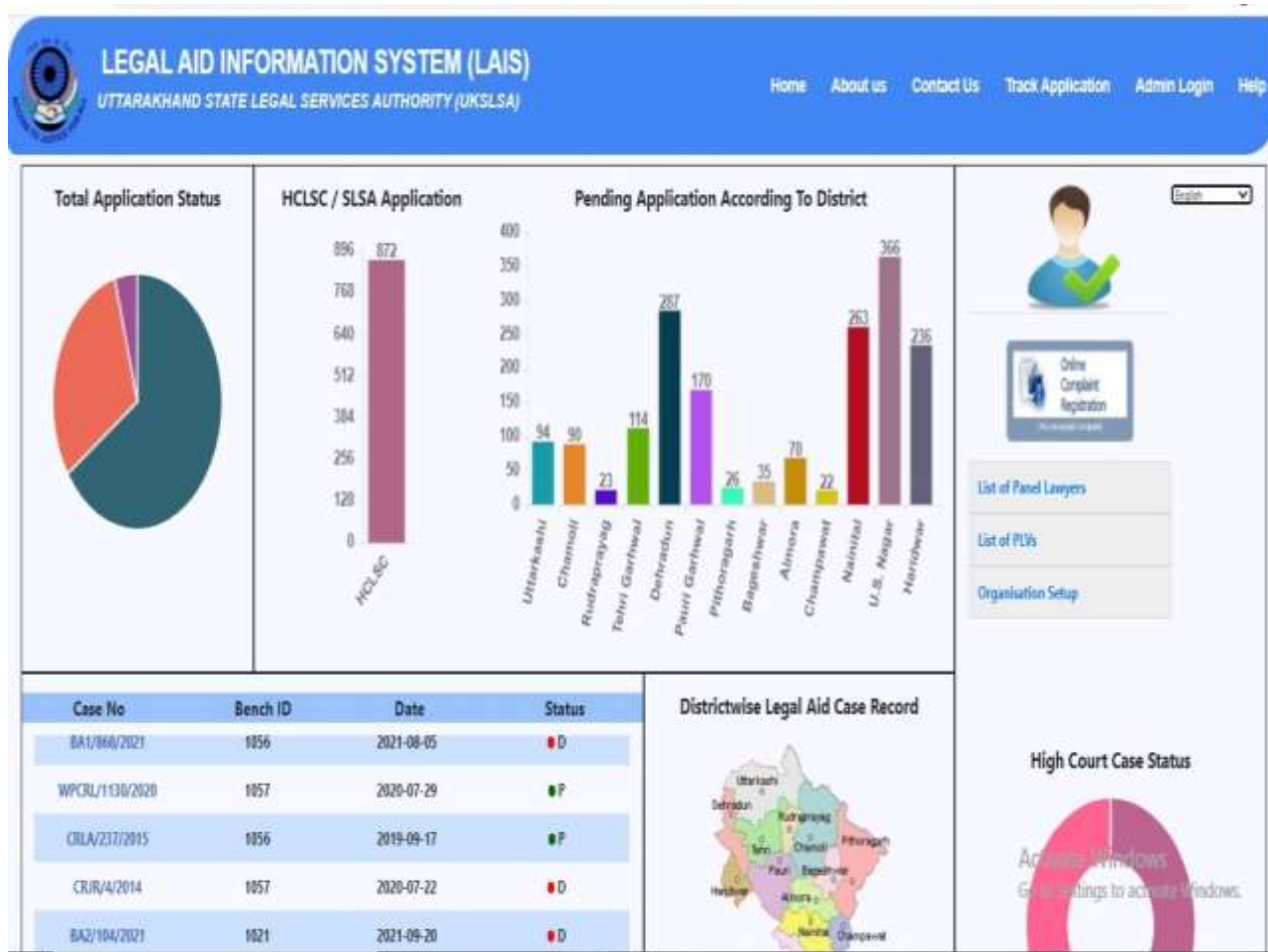
- Unavailability of proper education and health services/facilities.
- Unemployment
- Poor road connectivity
- Lack of electricity, water
- Lack of security walls in the River Banks to give protection during rainy season
- Danger of wild animals
- Rough weather condition lead to loss of life, income and livelihood.
- Not enough cultivable land, poor roads connectivity and drainage system
- Lack of schools & colleges
- Destroying of crops by wild animals
- Drug addiction. Due to unemployment persons of tribal community are addict of drugs.
- Lack of technical education under Prime Minister Skill Plan.
- Medical/Health Services. Due to costly medical services in Hospitals they are constrained for home remedies for the disease.
- Soil Erosion
- Unavailability of Govt. Welfare Schemes
- Constrained to live in mud house as they have not get the benefits of Prime Minister House Scheme.
- Bhumidhari rights of cultivation, residential & commercial purpose were divested.
- Needs to be done additional work for transportation and roads.
- Requirement of Hospitals with latest facilities and effective Medical Facilities.
- Modern Schools and renovation of school buildings.
- Insufficiency of Teachers.
- Modernization of Agricultural farming.

Awareness about Government Welfare Schemes.

**LEGAL AID INFORMATION SYSTEM (LAIS) PORTAL:**

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

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





**ACTION TAKEN REPORT ON PREVENTION 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.

As per the aforesaid, all DLSAs have been directed to convene at least a monthly meeting with Drug Inspector and Food Safety Officer of the district concerned for ensuring prevention of sales of expiry items in the State of Uttarakhand.

**STATISTICAL INFORMATION****STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN  
THE STATE OF UTTARAKHAND  
DURING THE PERIOD FROM JULY 2021 TO SEPTEMBER 2021**

S. No.	Name of District	Total No. of Lok Adalats Held	Total No. of Cases Taken up	Total No. of Cases Disposed off	Compensation/ Settlement Amount	Realized As Fine (in Rs.)	Total No. of Persons Benefited in Lok Adalat
01	ALMORA	03	280	128	1,42,95,185	75,600	128
02	BAGESHWER	03	188	72	59,20,083	3,500	72
03	CHAMOLI	02	328	221	11,41,85,425	-	221
04	CHAMPAWAT	03	463	235	21,44,343	-	235
05	DEHRADUN	04	5919	3872	53,48,20,943	3,32,200	3872
06	HARDWAR	03	5250	2594	5,32,24,222	10,01,050	2594
07	NAINITAL	03	3957	2262	7,01,54,467	-	2262
08	PAURI GARHWAL	03	1168	518	2,31,11,237	53,600	518
09	PITHORAGARH	04	845	355	3,69,54,796	1,05,984	355
10	RUDRAPARYAG	03	233	153	1,32,73,239	1,96,000	153
11	TEHRI GARHWAL	03	1242	630	4,00,31,583	11,13,000	630
12	UDHAM SINGH NAGAR	03	5903	2058	10,99,77,743	9,44,500	2058
13	UTTARKASHI	03	555	401	2,00,84,131	5,03,500	401
14	HCSLC, NAINITAL	02	497	82	4,32,35,956	-	82
15	UKSLSA,NTL	-	-	-	-	-	-
	<b>TOTAL :-</b>	<b>42</b>	<b>26828</b>	<b>13581</b>	<b>1,08,14,13,353</b>	<b>43,28,934</b>	<b>13581</b>

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED IN  
THE STATE OF UTTARAKHAND  
FOR THE  
PERIOD FROM JULY 2021 TO SEPTEMBER 2021**

<b>S. No.</b>	<b>Name of District</b>	<b>No. of Camps Organized</b>	<b>Total No. of Persons Benefited in Camps</b>
01	ALMORA	417	8817
02	BAGESHWER	58	1129
03	CHAMOLI	65	1535
04	CHAMPAWAT	342	13547
05	DEHRADUN	13	1910
06	HARDWAR	68	2572
07	NAINITAL	25	1476
08	PAURI GARHWAL	19	1020
09	PITHORAGARH	21	785
10	RUDRAPARYAG	41	3065
11	TEHRI GARHWAL	191	4405
12	UDHAM SINGH NAGAR	380	7962
13	UTTARKASHI	171	3700
14	HCLSC, NAINITAL	-	-
15	UKSLSA, NAINITAL	01	25
	<b>Total</b>	<b>1812</b>	<b>51948</b>

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

S. No.	Name of District	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	26	-
02	BAGESHWER	18	53
03	CHAMOLI	10	52
04	CHAMPAWAT	12	-
05	DEHRADUN	191	-
06	HARDWAR	120	36
07	NAINITAL	101	29
08	PAURI GARHWAL	33	05
09	PITHORAGARH	18	02
10	RUDRAPARYAG	05	17
11	TEHRI GARHWAL	45	13
12	UDHAM SINGH NAGAR	152	73
13	UTTARKASHI	24	-
14	HCLSC, NAINITAL	97	-
15	U.K. S.L.S.A., N.T.L.	-	38
	<b>TOTAL</b>	<b>852</b>	<b>318</b>

**STATISTICAL OF NATIONAL LOK ADALAT ORGANIZED AT DRT  
DEHRADUN, CONSUMER COURTS & LABOUR COURTS  
11.09.2021**

S.N.	Name of Department	Total No. of Lok Adalats Held	Total No. of Cases Taken up	Total No. of Cases Disposed off	Compensation/ Settlement Amount
1	Debts Recovery Tribunal, Dehradun	01	248	11	3,74,54,000
2	Consumer Courts	08	106	56	51,42,848
3	Labour Courts, Dehradun, Hardwar, Haldwani & Kashipur	04	28	14	22,44,981
	<b>TOTAL :-</b>	<b>13</b>	<b>382</b>	<b>81</b>	<b>4,48,41,829</b>

**PROGRAMMES/ACTIVITIES INSIDE JAIL CAMPUS DURING  
(JULY-2021 TO SEPTEMBER-2021)**

S.N.	Name of District	Lok Adalats Organized in Jails		Legal Literacy Camps Organized in Jails		Legal Aid provided to Under Trial Prisoners	Jail visit
		No. of organized Lok Adalats	No. of cases disposed off	Camps organized	Benefitted persons	No. Benefitted under trial prisoners	Total No. Jail visit
1	ALMORA	-	-	01	173	08	03
2	BAGESHWAR	-	-	02	165	14	02
3	CHAMOLI	-	-	02	234	05	03
4	CHAMPAWAT	-	-	02	62	05	03
5	DEHRADUN	02	46	04	1550	84	03
6	HARDWAR	04	41	02	200	107	03
7	NAINITAL	01	21	04	285	50	05
8	PAURI GARHWAL	-	-	02	449	18	02
9	PITHORAGARH	-	-	04	219	04	04
10	RUDRAPRAYAG	-	-	02	113	04	01
11	TEHRI GARHWAL	-	-	01	127	21	01
12	U.S. NAGAR	02	51	04	290	115	07
13	UTTARKASHI	-	-	01	33	09	02
14	H.C.L.S.C. NTL	-	-	-	-	53	-
	<b>TOTAL :-</b>	<b>09</b>	<b>159</b>	<b>31</b>	<b>3900</b>	<b>497</b>	<b>39</b>

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

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

**(JULY-2021 TO SEPTEMBER-2021)**

- (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 Adalat	Number of Sitzings	No. cases pending as on 30.09.2021	No. of cases received during the period	No. of cases settled during the period	Total Value/Amount of Settlement (₹)
1	Dehradun	66	265	1168	192	2,03,27,010
2	Haridwar	31	24	14	06	70,000
3	Nainital	33	130	22	14	69,49,226
4	U.S. Nagar	27	170	52	30	28,22,727
	<b>Total:-</b>	<b>157</b>	<b>589</b>	<b>1256</b>	<b>242</b>	<b>3,01,68,963</b>

**STATISTICAL INFORMATION IN RESPECT OF CASES SETTLED THROUGH MEDIATION**  
**(JULY-2021 TO SEPTEMBER-2021)**

(A)	Total Number of ADR Centres :	<b>04</b>
(B)	Total No of Existing Mediation Centres other than ADR Centres :	<b>16</b>
(C)	Number of Mediators (Total of both in ADR Centres and Mediation Centres) :	<b>93</b>

S.N.	DESCRIPTION	TOTAL
<b>A</b>	No. of cases received during the month	124
<b>B</b>	Cases settled through Mediation	18
<b>C</b>	Cases returned as not settled	174
<b>D</b>	Non-starter cases which were returned as mediation could not commenced	15
<b>E</b>	No. of Connected cases	-
<b>F</b>	No. of Cases pending at the end of the month	249

**STATISTICAL INFORMATION IN RESPECT OF VICTIM COMPENSATION**  
**SCHEME U/S 357A Cr.P.C.**  
**(JULY-2021 TO SEPTEMBER-2021)**

No. of applications received directly by Legal Services Institutions (A)	No. of applications/orders marked/directed by any Court (B)	Total No. of applications received including Court orders (A+B)	No. of applications decided	No. of applications pending	Total Compensation Amount (₹)
10	31	41	17	69	61,54,000

**STATUS OF PLVS/PANEL LAWYERS/RETAINER LAWYERS/MEDIATORS/LEGAL  
AID CLINICS/FRONT OFFICE/MEDIATION CENTERS  
(AS ON 30.09.2021)**

<b>DLSA OF DLSA</b>	<b>No. of Panel Lawyers</b>	<b>No. of Retainer Lawyers</b>	<b>No. of PLVs</b>	<b>No. of Legal Aid Clinics</b>	<b>No. of Front Offices</b>	<b>No. Mediation Centers</b>	<b>No. of Mediators</b>
Almora	10	01	41	20	01	01	04
Bageshwar	03	01	75	36	01	01	03
Chamoli	08	01	52	12	01	01	02
Champawat	04	01	55	11	01	01	03
Dehradun	48	01	78	55	01	02	15
Haridwar	44	01	52	34	01	03	22
Nainital	38	01	104	09	01	02	05
Pauri Garhwal	48	01	38	26	01	02	05
Pithoragarh	10	01	75	11	01	01	05
Rudraprayag	06	01	23	38	01	01	01
Tehri Garhwal	26	01	48	25	01	01	03
U. S. Nagar	44	01	87	24	01	03	11
Uttarkashi	09	01	60	19	01	01	05
HCLSC/UKSLSA	25	Nil	Nil	Nil	01	01	09
<b>TOTAL</b>	<b>323</b>	<b>13</b>	<b>788</b>	<b>320</b>	<b>14</b>	<b>21</b>	<b>93</b>

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**TRAINING PROGRAMMES HELD IN THE PERIOD OF**  
**JULY 2021 TO SEPTEMBER 2021**  
**AT**  
**UTTARAKHAND JUDICIAL AND LEGAL ACADEMY,**  
**BHOWALI, NAINITAL.**

<b>S. No.</b>	<b>Name of Training Programmes/ Workshops</b>	<b>Duration</b>
1.	One Day Training Programme on NDPS Act and POCSO Act for Police Personnel of all Districts (Virtual mode)	01.07.2021
2.	Training on “High Court of Uttarakhand Video Conferencing Rules, 2020” for DGCs, ADGCs, POs, APOs & Advocates of Bar Associations of all Districts (1st phase) (Virtual mode)	04.07.2021
3.	Special Training Programme on use of Digital Space, Appreciation of Digital Evidence and Cyber Forensic for all Judges of Subordinate Courts (1st phase) (Virtual mode)	06.07.2021 to 10.07.2021
4.	Training on “High Court of Uttarakhand Video Conferencing Rules, 2020” for DGCs, ADGCs, POs, APOs & Advocates of Bar Associations of all Districts (3rd phase) (Virtual mode)	11.07.2021
5.	Special Training Programme on use of Digital Space, Appreciation of Digital Evidence and Cyber Forensic for all Judges of Subordinate Courts (2nd phase) (Virtual mode)	14.07.2021 to 18.07.2021
6.	Training on “High Court of Uttarakhand Video Conferencing Rules, 2020” for DGCs, ADGCs, POs, APOs & Advocates of Bar Associations of all Districts (4th phase) (Virtual mode)	18.07.2021



7.	Special Address cum Interactive Sessions by Hon'ble the Chief Justice of Uttarakhand High Court on Judgment Writing (Virtual mode)	18.07.2021
8.	Training Programme for Panel Advocates associated with of all the District Legal Services Authorities of the State at UJALA at Expenses of NLSA/UKSLSA (Virtual mode)	23.07.2021 to 24.07.2021
9.	Special Address cum Interactive Sessions by Hon'ble the Chief Justice of Uttarakhand High Court on Judgment Writing (Virtual mode)	25.07.2021
10.	Training on "High Court of Uttarakhand Video Conferencing Rules, 2020" for DGCs, ADGCs, POs, APOs & Advocates of Bar Associations of all Districts (5 <sup>th</sup> & 6 <sup>th</sup> phase) (Virtual mode)	25.07.2021
11.	One Day Training Programme for PLVs of District Rudraprayag (Virtual mode)	30.07.2021
12.	Initiative on Capacity Building of Judges on Child Protection, Mental Health, Psycho Social Health (Virtual mode)	30.07.2021 to 31.07.2021
13.	Training on "High Court of Uttarakhand Video Conferencing Rules, 2020" for DGCs, ADGCs, POs, APOs & Advocates of Bar Associations of all Districts (2nd phase) (Virtual mode)	01.08.2021
14.	Training Programme for DGCs and ADGCs (Criminal) on Criminal laws (Virtual mode)	03.08.2021 to 07.08.2021
15.	Training on "High Court of Uttarakhand Video Conferencing Rules, 2020" for DGCs, ADGCs, POs, APOs & Advocates of Bar Associations of all Districts (7th phase) (Virtual mode)	08.08.2021
16.	Training on "High Court of Uttarakhand Video Conferencing Rules, 2020" for DGCs, ADGCs, POs, APOs & Advocates of Bar Associations of all Districts (8th phase) (Virtual mode)	14.08.2021

17.	E-Committee training programme (4 <sup>th</sup> Phase) of all Advocates & Advocate Clerks of all District & Taluk level Bar Associations of Uttarakhand by Advocates Master Trainers (Virtual mode through live streaming in You-Yube)	29.08.2021
18.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2019 Batch (1st phase of Institutional Training) (Physical Mode)	01.09.2021 to 15.11.2021
19.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2018 Batch (Queries resolving phase of Institutional Training) (Virtual mode)	24.09.2021 to 09.10.2021

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Special Training Programme on use of Digital Space, Appreciation of Digital Evidence and Cyber Forensic for all Judges of Subordinate Courts (1<sup>st</sup> Phase) (Virtual mode) during the period from 06.07.2021 to 10.07.2021.



Special Address cum Interactive Session by Hon'ble the Chief Justice of Uttarakhand High Court on Judgment Writing (Virtual mode) held on 18.07.2021.



Training Programme for Panel Advocates associated with of all the District Legal Service Authorities of the State at UJALA at Expenses of NLSA/UKSLSA (Virtual mode) during the period from 23.07.2021 to 24.07.2021.



Special Address cum Interactive Session by Hon'ble the Chief Justice of Uttarakhand High Court on Judgment Writing (Virtual mode) held on 25.07.2021.



Initiative on Capacity Building of Judges on Child Protection, Mental Health, Psycho Social Health ( Virtual mode) during the period from 30.07.2021 to 31.07.2021.



Training Programme for DGCs and ADGCs (Criminal) on Criminal Laws (Virtual mode) during the period from 03.08.2021 to 07.08.2021.



Foundation Training Programme for Newly Recruited Civil Judges (J.D.), 2019 Batch (1<sup>st</sup> Phase of Institutional Training) (Physical Mode) during the period from 01.09.2021 to 15.11.2021.



Foundation Training Programme for Newly Recruited Civil Judges (J.D.), 2019 Batch (1<sup>st</sup> Phase of Institutional Training) (Physical Mode) during the period from 01.09.2021 to 15.11.2021.



Foundation Training Programme for Newly Recruited Civil Judges (J.D.), 2019 Batch (1<sup>st</sup> Phase of Institutional Training) (Physical Mode) during the period from 01.09.2021 to 15.11.2021.



Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2018 Batch (Queries resolving phase of Institutional Training) (Virtual mode) during the period from 24.09.2021 to 09.10.2021.

**INSTITUTION, DISPOSAL AND PENDENCY OF CASES****HIGH COURT OF UTTARAKHAND****(From 01.07.2021 to 30.09.2021)**

						<b>Pendency (As on 01.07.2021)</b>		
						<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Pendency</b>
						<b>23932</b>	<b>16054</b>	<b>39986</b>
<b>Institution ( 01.07.2021 to 30.09.2021)</b>			<b>Disposal (01.07.2021 to 30.09.2021)</b>			<b>Pendency (As on 30.09.2021)</b>		
<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Institution</b>	<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Disposal</b>	<b>Civil Cases</b>	<b>Criminal Cases</b>	<b>Total Pendency at the end of 30.09.2021</b>
<b>2304</b>	<b>2819</b>	<b>5123</b>	<b>2187</b>	<b>2655</b>	<b>4842</b>	<b>24049</b>	<b>16218</b>	<b>40267</b>

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**DISTRICT COURTS****(From 01.07.2021 to 30.09.2021)**

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.09.2021
		Opening Balance as on 01.07.21	Institution from 01.07.21 to 30.09.21	Disposal from 01.07.21 to 30.09.21	Pendency at the end of 30.09.21	Opening Balance as on 01.07.21	Institution from 01.07.21 to 30.09.21	Disposal from 01.07.21 to 30.09.21	Pendency at the end of 30.09.21	
1.	Almora	423	103	80	<b>446</b>	1287	928	833	<b>1382</b>	<b>1828</b>
2.	Bageshwar	174	96	86	<b>184</b>	451	378	278	<b>551</b>	<b>735</b>
3.	Chamoli	408	112	182	<b>338</b>	1055	504	484	<b>1075</b>	<b>1413</b>
4.	Champawat	267	27	14	<b>280</b>	1922	1065	1120	<b>1867</b>	<b>2147</b>
5.	Dehradun	12464	3452	3715	<b>12201</b>	86745	28161	22802	<b>92104</b>	<b>104305</b>
6.	Haridwar	11718	1136	898	<b>11956</b>	57947	15664	11397	<b>62214</b>	<b>74170</b>
7.	Nainital	2707	539	480	<b>2766</b>	21326	5042	4716	<b>21652</b>	<b>24418</b>
8.	Pauri Garhwal	1112	230	199	<b>1143</b>	4887	1704	1792	<b>4799</b>	<b>5942</b>
9.	Pithoragarh	540	174	168	<b>546</b>	2199	1191	1324	<b>2066</b>	<b>2612</b>
10.	Rudraprayag	121	79	74	<b>126</b>	700	283	386	<b>597</b>	<b>723</b>
11.	Tehri Garhwal	460	161	157	<b>464</b>	3263	1808	1941	<b>3130</b>	<b>3594</b>
12.	Udham Singh Nagar	5501	1104	866	<b>5739</b>	46779	10833	4774	<b>52838</b>	<b>58577</b>
13.	Uttarkashi	563	167	178	<b>552</b>	1979	869	884	<b>1964</b>	<b>2516</b>
	<b>Total</b>	<b>36458</b>	<b>7380</b>	<b>7097</b>	<b>36741</b>	<b>230540</b>	<b>68430</b>	<b>52731</b>	<b>246239</b>	<b>282980</b>

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**FAMILY COURTS**  
**(From 01.07.2021 to 30.09.2021)**

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.09.2021
		Opening Balance as on 01.07.21	Institution from 01.07.21 to 30.09.21	Disposal from 01.07.21 to 30.09.21	Pendency at the end of 30.09.21	Opening Balance as on 01.07.21	Institution from 01.07.21 to 30.09.21	Disposal from 01.07.21 to 30.09.21	Pendency at the end of 30.09.2021	
1.	Almora	115	52	37	130	130	24	20	134	264
2.	Dehradun (Pr. J.F.C)	722	598	491	829	254	198	156	296	1125
3	Dehradun (J.F.C)	533	146	129	550	363	116	55	424	974
4.	Dehradun (Addl.J.F.C)	658	14	66	606	602	21	41	582	1188
5.	Rishikesh	407	102	119	390	314	52	36	330	720
6.	Vikasnagar	174	76	50	200	264	51	27	288	488
7.	Nainital	268	48	45	271	395	56	48	403	674
8.	Haldwani	605	108	114	599	915	135	94	956	1555
9.	Haridwar	935	251	102	1084	1107	189	65	1231	2315
10.	Roorkee	998	249	100	1147	1138	144	44	1238	2385
11.	Laksar	129	60	48	141	183	45	30	198	339
12.	Kotdwar	237	67	71	233	387	79	80	386	619
13.	Pauri Garhwal	109	38	41	106	110	40	48	102	208
14.	Tehri Garhwal	102	54	47	109	62	17	17	62	171
15.	Rudrapur-1 U.S.Nagar	453	149	72	530	487	93	33	547	1077
16.	Rudrapur-2	148	48	18	178	148	24	2	170	348
17.	Kashipur	598	186	63	721	552	104	27	629	1350
18.	Khatima	249	50	1	298	309	49	0	358	656
	<b>Total</b>	<b>7440</b>	<b>2296</b>	<b>1614</b>	<b>8122</b>	<b>7720</b>	<b>1437</b>	<b>823</b>	<b>8334</b>	<b>16456</b>

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## **TRANSFER OF THE JUDICIAL OFFICERS**

<b>Sl. No.</b>	<b>Name &amp; Designation of the Officer</b>	<b>Place of Transfer</b>	<b>Date of Order</b>
<b>1.</b>	Shri Prakash Chandra, Judicial Magistrate-II, Dehradun.	Judicial Magistrate-I, Dehradun.	08.07.2021
<b>2.</b>	Ms. Jasmeet Kaur, 2 <sup>nd</sup> Additional Civil Judge (Jr. Div.), Rudrapur, District Udham Singh Nagar.	1 <sup>st</sup> Additional Civil Judge (Jr. Div.), Haldwani, District Nainital.	08.07.2021
<b>3.</b>	Shri Prateek Mathela, 2 <sup>nd</sup> Additional Civil Judge (Jr. Div.), Dehradun.	Civil Judge (Jr. Div.), Sitarganj, District Udham Singh Nagar.	08.07.2021
<b>4.</b>	Ms. Deepti Pant, 3 <sup>rd</sup> Additional Civil Judge (Jr. Div.), Dehradun.	2 <sup>nd</sup> Additional Civil Judge (Jr. Div.), Dehradun.	08.07.2021
<b>5.</b>	Ms. Shubhangi Gupta, 2 <sup>nd</sup> Additional Civil Judge (Jr. Div.), Haldwani, District Nainital.	Judicial Magistrate, Uttarkashi.	08.07.2021
<b>6.</b>	Shri Ashish Tiwari Civil Judge (Jr. Div.), Uttarkashi.	Civil Judge (Jr. Div.), Pauri Garhwal.	08.07.2021.
<b>7.</b>	Ms. Avantika Singh Chaudhary 4 <sup>th</sup> Additional Civil Judge (Jr. Div.), Dehradun.	3 <sup>rd</sup> Additional Civil Judge (Jr. Div.), Dehradun.	08.07.2021
<b>8.</b>	Ms. Akmal, Civil Judge (Jr. Div.), Karanprayag, District Chamoli	Judicial Magistrate, Bageshwar.	08.07.2021
<b>9.</b>	Shri Vishal Goyal, 3 <sup>rd</sup> Additional Civil Judge (Jr. Div.), Haridwar.	Judicial Magistrate, Ramnagar, District Nainital.	08.07.2021

10.	Shri Shiv Singh, 5 <sup>th</sup> Additional Civil Judge (Jr. Div.), Dehradun.	Civil Judge (Jr. Div.), Tharali, District Chamoli.	08.07.2021
11.	Shri Rohit Kumar Pandey, Civil Judge (Jr. Div.), Pithoragarh.	Civil Judge (Jr. Div.), Ukimath, District Rudraprayag.	08.07.2021.
12.	Ms. Upadhi Singhal, Judicial Magistrate, Chamoli.	Civil Judge (Jr. Div.), Gopeshwar, District Chamoli.	08.07.2021
13.	Shri Shahanshah Mohammad Dilber Danish, Presiding Officer, Labour Court, Haridwar.	District and Sessions Judge, Bageshwar.	26.07.2021
14.	Shri Sahdev Singh, 2 <sup>nd</sup> Additional District and Sessions Judge, Haridwar.	1 <sup>st</sup> Additional District and Sessions Judge, Haridwar.	28.07.2021
15.	Shri Bharat Bhushan Pandey, 3 <sup>rd</sup> Additional District and Sessions Judge, Haridwar.	2 <sup>nd</sup> Additional District and Sessions Judge, Haridwar.	28.07.2021
16.	Shri Sanjeev Kumar, Registrar, High Court of Uttarakhand, Nainital.	3 <sup>rd</sup> Additional District and Sessions Judge, Haridwar.	28.07.2021
17.	Shri Rajeev Dhawan, Additional Civil Judge (Sr. Div.), Roorkee, District Haridwar.	High Court of Uttarakhand, Nainital, as Officer on Special Duty (OSD). However, he will not hand over the charge of office of the Additional Civil Judge (Sr. Div.), Roorkee, District Haridwar.	28.07.2021
18.	Shri Vivek Srivastava, Chief Judicial Magistrate, Udham Singh Nagar.	Civil Judge (Sr. Div.), Bageshwar.	05.08.2021
19.	Shri Sudhir Tomar, Civil Judge (Sr. Div), Kashipur, District Udham Singh Nagar.	Chief Judicial Magistrate, Udham Singh Nagar.	05.08.2021
20.	Ms. Jyoti Bala, Civil Judge (S.D), Bageshwar.	Civil Judge (Sr.Div), Haldwani, District Nainital.	05.08.2021

<b>21.</b>	Ms. Payal Singh, Civil Judge (S.D), Haldwani, District Nainital.	Civil Judge (S.D.), Kashipur, District Udham Singh Nagar.	05.08.2021.
<b>22.</b>	Shri Vivek Srivastava, Civil Judge (S.D.), Bageshwar.	High Court of Uttarakhand, Nainital as Officer on Special Duty (SSD). However, He will not hand over the charge of Civil Judge (S.D.), Bageshwar till further orders.	06.08.2021
<b>23.</b>	Chief Judicial Magistrate, Bageshwar.	The Work of the Court of Civil Judge (S.D.), Bageshwar will be performed by Chief Judicial Magistrate, Bageshwar in addition to present duties and no additional charge allowance will be admissible for such additional work.	06.08.2021
<b>24.</b>	Ms. Kakhkasha Khan, Legal Advisor to Hon'ble the Governor of Uttarakhand, Dehradun.	District and Sessions Judge, Champawat.	09.09.2021

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## **APPOINTMENT OF THE JUDICIAL OFFICERS**

<b>Sl. No.</b>	<b>Name of the Judicial Officers</b>	<b>Place of Appointment</b>	<b>Date of Order</b>
<b>1.</b>	Ms. Udisha Singh	Judicial Magistrate-II, Dehradun.	08.07.2021
<b>2.</b>	Shri Adarsh Tripathi	4 <sup>th</sup> Additional Civil Judge (Jr. Div.), Dehradun.	08.07.2021
<b>3.</b>	Ms. Anju	Judicial Magistrate-III, Dehradun.	08.07.2021
<b>4.</b>	Ms. Harshita Sharma	Judicial Magistrate-IV, Dehradun.	08.07.2021
<b>5.</b>	Ms. Sneha Narang	3 <sup>rd</sup> Additional Civil Judge (Jr. Div.), Haridwar.	08.07.2021
<b>6.</b>	Ms. Priyanshi Nagarkoti	2 <sup>nd</sup> Additional Civil Judge (Jr. Div.), Rudrapur, District Udham Singh Nagar.	08.07.2021
<b>7.</b>	Ms. Gulistan Anjum	2 <sup>nd</sup> Additional Civil Judge (Jr. Div.), Haldwani, District Nainital.	08.07.2021
<b>8.</b>	Ms. Priya Shah	4 <sup>th</sup> Additional Civil Judge (Jr. Div.), Haridwar.	08.07.2021
<b>9.</b>	Ms. Aaysha Farheen	1 <sup>st</sup> Additional Civil Judge (Jr. Div.), Nainital.	08.07.2021
<b>10.</b>	Ms. Jahan Ara Ansari	5 <sup>th</sup> Additional Civil Judge (Jr. Div.), Dehradun.	08.07.2021
<b>11.</b>	Shri Nitin Shah	Additional Civil Judge (Jr. Div.), Bazpur, District Udham Singh Nagar.	08.07.2021
<b>12.</b>	Shri Santosh Pachhmi	Judicial Magistrate, Pithoragarh.	08.07.2021

<b>13.</b>	Shri Samshad Ali	Civil Judge (Jr. Div.), Mussoorie, District Dehradun.	08.07.2021
<b>14.</b>	Shri Devansh Rathore	Civil Judge (Jr. Div.), Kichha, District Udham Singh Nagar.	08.07.2021
<b>15.</b>	Shri Siddhartha Kumar	Civil Judge (Jr. Div.), Karanprayag, District Chamoli.	08.07.2021
<b>16.</b>	Ms. Alka	2 <sup>nd</sup> Additional Civil Judge (Jr. Div.), Nainital.	08.07.2021
<b>17.</b>	Shri Nawal Singh Bisht	Civil Judge (Jr. Div.), Uttarkashi.	08.07.2021

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**NOTIFICATIONS OF HIGH COURT OF UTTARAKHAND**  
**FOR THE PERIOD JULY 2021 TO SEPTEMBER 2021**

**No.298/UHC/Admin.A/2021**

**Dated: Aug. 02, 2021**

Notification No. 294/UHC/Admin.A/2021 dated 28.07.2021 issued by this Court regarding attachment of Shri Rajeev Dhawan, Additional Civil Judge (Sr.Div.), Roorkee, District Haridwar as Officer on Special Duty (OSD) with High Court of Uttarakhand, Nainital, is hereby cancelled.

**By Order of the Court,**

**No. 310/UHC/VII-a-1/Stationery**

**Dated: 18<sup>th</sup> August, 2021**

The High Court of Uttarakhand and Subordinate Courts will remain closed on 20.08.2021(Friday) on account of Moharram.

**By Order of Hon'ble Court**

**No. 323/UHC/VII-a-1/Stationery**

**Dated: September 07, 2021**

The High Court of Uttarakhand will remain closed on 14.09.2021 (Tuesday) on account of Nandashtami in lieu thereof the High Court of Uttarakhand will remain open on 27.11.2021 (Saturday).

**By Order of Hon'ble the Court**



**No.335/UHC/Admin.A/2021**

**Dated: Sept.29, 2021**

Ms. Rama Pandey, Additional District & Sessions Judge, Tehri Garhwal is conferred with the powers to dispose of the administrative & financial matters (as Drawing and Disbursing Officer) of Tehri Garhwal Judgeship until posting of District & Sessions Judge, Tehri Garhwal or further orders, whichever is earlier.

**By Order of Hon'ble the Chief Justice,**

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## **CIRCULARS**

From:

Registrar General,  
High Court of Uttarakhand,  
Nainital

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge, Dehradun/ Judges, Family Courts, State of Uttarakhand.
3. Principal Secretary (Law)-cum- L.R., Government of Uttarakhand, Dehradun.
4. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No. 23/16, Circular Road, Dalanwala, Dehradun-248001.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, District Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
17. Chairman, Permanent Lok Adalat, Dehradun, Hardwar, Nainital and Udham Singh Nagar.
18. Legal Advisor to Public Service Commission, Uttarakhand, Haridwar.

**C.L. No. 06/UHC/Admin.A/2021**

**Dated: July 01, 2021.**

**Subject: Regarding directions to send leave applications etc. only in official e-mail ID of the High Court of Uttarakhand [highcourt-ua@nic.in].**

Sir/Madam,

It is being observed that some of the officers of the State Judiciary are sending their applications related to leave etc. in the e-mail ID of the Inspection Section and other Sections of Hon'ble the Court instead of sending in official e-mail ID of the Court **[highcourt-ua@nic.in]**.

Such practice of sending applications in other e-mail IDs by the Judicial Officers beyond official e-mail ID of the Court is causing inconvenience and most of the applications are being left unattended and not reaching concerned Sections of the Court timely for further processing.

In this matter, I am directed to say that applications for leave etc. only be sent to the official e-mail ID of Hon'ble the Court [**highcourt-ua@nic.in**], not any other e-mail IDs of the Sections of the Court.

You are therefore, requested to ensure strict compliance in this matter and bring it to the notice of all the Judicial Officers under your subordination.

From:

Registrar General  
High Court of Uttarakhand  
Nainital

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/ Judges, Family Courts, Subordinate to High Court of Uttarakhand.
3. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
4. Principal Secretary, Law-cum-L.R., Government of Uttarakhand, Dehradun.
5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
6. Chairman, State Transport Appellate Tribunal, House of Doctor Poonam Gambhir, Vaidik Kaya Ayurvedic Centre, 1<sup>st</sup> Floor, House No.85/1, Laxmi Road, (Near Favvara Chauk), Dehradun.
7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Disputes Redressal Commission, House No. 23/16, Circular Road, Dalanwala, Dehradun, 248001.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
13. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani, District Nainital.
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
17. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
18. Legal Advisor to Uttarakhand Public Service Commission, Haridwar.
19. Deputy Director (Law), Competition Commission of India, 9<sup>th</sup> Floor, Office Block-1, Kidwai Nagar (East), New Delhi-110023.

C.L. No. 08/UHC/Admin.A/2021

Dated: August 02<sup>nd</sup>, 2021

**Subject:** Quantum of Work for the Judicial Officers working in the State of Uttarakhand

Sir,

In supersession of all the earlier Circular Letters on the subject noted above, I have been directed to circulate the new method for calculating the Quantum of Work for all

C.L. No. 08/UHC/Admin.A/2021  
Dated: August 02<sup>nd</sup>, 2021

Page 2 of 2

the Judicial Officers working in the State of Uttarakhand, which is annexed as "Annexure A to H alongwith Appendix" to this Circular Letter. These annexures shall form part of this Circular Letter. This new Unit System will come into force w.e.f. 02.08.2021 onwards.

## Annexure-A

District and Sessions Judge (s) / Designated Court (Courts with special powers) and Additional District and Sessions Judge (s) (Criminal Work)			
Sl. No.	Details/Nature of cases	Units	
		Units	Remarks/Reasons
1.	Trials Under Section 302,304, 304-B, 395, 396 397, and 399/402 IPC and trial in which there is also a charge under sections 147 IPC or 148 IPC or both or trial under NDPS Act.	10 Units per contested case.	
2.	Trials Under Section 306, 307, 366, 376 IPC and trial under POCSO Act.	10 Units per contested case.	
3.	Section 75 IPC Cases where trials would otherwise be triable by a Magistrate.	4 Units per case.	
4.	Other Sessions Trials /Special Trials.	8 Units per contested case.	-
5.	Criminal Appeal decided on merits	4 Units per appeal.	-
6.	Jail Appeal	4 Units per appeal.	-
7.	Criminal Revision decided on merits	1.5 Units per revision	-
8.	Bail Matters (non bailable cases).	0.25 Units per application	-
9.	Transfer Application u/s 408 Cr.P.C.	1 Unit for 5 contested applications.	-
10.	For each additional accused more than 3 accused and for each additional set of 5 witnesses beyond 25 witnesses in a decided case.	0.5 Additional Unit	-
11.	CBI/Prevention of Corruption Act Cases (including Vigilance Court): <ul style="list-style-type: none"> <li>• Trap Cases</li> <li>• Disproportionate asset (Sec 13(1) (e) Prevention of Corruption Act</li> <li>• Other cases</li> </ul>	50 Units per case	1 Unit per witness.
12.	Criminal appeal remanded back	1 Unit per case upto 5 decided cases per month.	No unit if more than 5 cases remanded in a month.
13.	Reference Under Section 122 Cr.P.C.	1 Unit per case	-
14.	Disposal of Applications u/s 156 (3), 227, 311, 319, 321 Cr.P.C.	1 Unit per application	-
15.	Cases where accused pleads guilty	0.5 unit per case.	
16.	Cases which are compounded under Section 320 CrPC with evidence.	2 unit per case.	
17.	Statement u/s 313 Cr.P.C.	0.5 Unit upto every set of 3 accused	No units if all witnesses of facts are hostile
18.	Framing of charges	0.5 Unit per case	-
19.	Reference made to High Court	1 unit per case.	
20.	Police custody remand.	0.5 unit per application.	

<b>Annexure-B</b>		
<b>District Judge (s) and Additional District Judge (s)</b>		
<b>(Civil Work)</b>		
Sl. No.	Details/Nature of cases	Remarks/ Reasons
		Units
1.	Regular Civil Suit	9 Units per contested case.
2.	Suit for Partition and Rendition of Accounts on merit: - <ul style="list-style-type: none"> <li>• At the time of passing preliminary decree</li> <li>• At the time of passing final decree</li> </ul> Suit decided under Order XII Rule 6 CPC <ul style="list-style-type: none"> <li>• Where decree is partially passed</li> <li>• Where final decree is passed without a partial decree</li> </ul>	7 Units 4 Units 2 Units 3 Units
3.	Objection u/s 34 of the Arbitration & Conciliation Act on merit	6 Units
4.	Press Act Cases, Petition u/s 9 of Arbitration & Conciliation Act (Contested)	2 Units
5.	Cases of a summary nature: - <ul style="list-style-type: none"> <li>• Where case is decided after granting leave to defend</li> <li>• Where decree is passed by refusing leave to defend</li> </ul>	2 Units
6.	Reference made to the High Court under C.P.C.	1 Unit
7.	Contested cases under Guardianship Act, Mental Health Care Act, 2017, Trust Act, Wakf Act, Companies Act and Improvement Trust cases, <b>Insolvency cases and cases of Trade Mark.</b> <ul style="list-style-type: none"> <li>• Contested Probate case</li> <li>• Application for Revocation u/s 263 of Indian Succession Act</li> <li>• Letters of Administration</li> </ul>	6 Units
8.	Execution case where decree is satisfied	3 Units per case
9.	Civil Appeal contested or against final order/decreed including Appeal under Rent Control Act	6 Units per appeal
10.	Miscellaneous Civil Appeal on merit	2 Units per appeal
11.	Appeal under Public Premises Act on merit.	2 Units per appeal
12.	Case withdrawn or compromised	2 Units per case
13.	Case remanded to Lower Court	2 Units per case
14.	Transfer Application u/s 24 CPC	1 Unit for 3 contested applications
15.	Land Acquisition Case	6 Units per contested case.
16.	Motor Accident Claim Cases	4 Units per contested case.
17.	Motor Accident Claim cases decided by compromise after recording some evidence	2 Units per case
18.	Civil Revision, Revision u/s 25 SCC Act	3 Units per case
19.	Civil review	0.5 unit per case
20.	Revision Dismissed at the admission stage after hearing counsel	1 Unit per case

21.	Regular Civil cases decided Ex-parte	1 Unit per case	-
22.	Regular Civil Appeal decided Ex-parte	1 Unit per case	-
23.	Misc. Civil Appeal decided Ex-parte	1 Unit per case	-
24.	Motor Accident Claim decided Ex-parte	1 Unit per case	-
25.	Land Acquisition Cases decided Ex-parte	1 Unit per case	-
26.	Miscellaneous Civil Cases (Contested)	1 Unit per case	-
27.	Other Civil Cases decided after full trial <ul style="list-style-type: none"> <li>• O.S. cognizable by the District Judge not falling in the above category at Sl. No. 1 and Zila Parishad or Municipal Board/ Municipal Corporation Election Petition</li> <li>• Election Petition relating to Kshetra Samitis, Town Area and Notified Areas.</li> </ul>	10 Units per case  8 Units per case	-
28.	SCC Execution cases	3 Units per case	
29.	Disposal of Application for appointment of receiver, application to sue or present an appeal as indigent person, application of substitution of legal representative of deceased person, plaint rejected under order VII Rule 11 of C.P.C.( on application of defendant), arrest and attachment before judgment, amendment applications, injunction application, commissioner's report under order 26 C.P.C. . and any other misc. application, if contested.	3 Units per application	
30.	Petition u/s 20 & 21 of the U.P. Rent Control Act	6 Units per case on merit.	
31.	Cases u/s 23 of S.C.C. Act	3 units per case on merit.	
32.	Objections u/s 47 C.P.C.	4 units per case	
33.	Objection under order 21 Rule 58, Order 21 Rule 90, Order 21 Rule 97, Order 21 Rule 99	9 units per case	
34.	Framing of Issues in Suit	0.5 Unit per case	Not applicable for additional issues
35.	Disposal of preliminary issue.	3 unit for each contested preliminary issue.	
36.	Eviction Suit under provincial small causes courts act on merit.	8 Units per case.	
37.	Other SCC Suits after full trial	8 Units per case	
38.	Mediation or plea Bargaining (other than those cases carrying one unit or less)	Referral Judge will be credited with 1 unit per case.	
39.	Application under Order 41 Rule 27 CPC.	2 units per application (contested).	
40.	Application under Order 39 Rule 2A CPC, Setting aside ex parte decree or restoration of suit / appeal.	3 units per case on merit.	



## Annexure-C

Commercial Court			Remarks/ Reasons
Sl. No.	Details/Nature of cases	Units	
1.	Original Suit.	9 units per contested case.	
2.	Arbitration case under Section 9, 34 of the Arbitration Act.	9 units per contested case.	
3.	Regular Misc.	3 units per contested case.	
4.	Execution	5 units per case.	
5.	Arbitration Appeal under Section 37 (2) of the Act.	5 units per appeal.	
6.	Disposal of misc. application, if contested.	2 units per application.	

## Annexure-D

Civil Judge (Senior Division/Junior Division) (Civil Work)			
Sl. No.	Details/Nature of cases	Remarks/ Reasons	
		Units	
1.	Contested Civil Suits	9 Units per contested case	-
2.	Eviction Suits Under Provincial Small Causes Courts Act after full trial.	8 Units per case	
3.	Other SCC Suits after full trial	8 Units per case	
4.	Execution case where decree is satisfied	3 Units per case	
5.	Cases in which leave to defend is refused including (Rent Control Act) and decree passed	3 Units per case	-
6.	Application u/s 27 & 30 of the Rent Control Act.	1 Unit per 10 cases	-
7.	Application u/s 28 UP Rent Control Act	1 Unit per case on merit.	-
8.	Application under Order 39 Rule 2A CPC, Setting aside ex parte decree or restoration of suit	3 Units per contested application	
9.	Regular Suits withdrawn/Compromised.	1 Units per case	
10.	Judgments on admission under order 12 Rule 6 C.P.C.	2 Units per case	
11.	Disposal of application for appointment of receiver, to sue as indigent person, application for substitution of legal representative of deceased person, plaint rejected under order VII Rule 11 of CPC (on application of defendant), attachment before judgment, amendment applications, Injunction application, commissioner's report under order 26 C.P.C. and any other misc. application, if contested.	3 Units per application	
12.	Succession Act: Contested case	4 Units	
	Uncontested case	2 Units	
	Revocation of succession certificate	3 Units	
13.	Cases or appeal settled through Lok Adalat	2 Units per case	
14.	Mediation or Plea Bargaining (other than those cases carrying one unit or less)	Referral Judge will be credited with 1 unit per case.	
15.	Disposal of an uncontested case on account of Ex-parte or compounding	1 Unit per case	
16.	SCC Execution cases	3 Units per case	
17.	Application under Order 21 Rule 97 & 99 and Order 21 Rule 58 CPC.	9 Units per case	
18.	Objections u/s 47 C.P.C.	4 units per case	
19.	Petition u/s 20 & 21 of U.P. Rent Control Act	6 Units per case on merit.	
20.	Cases u/s 23 of S.C.C. Act	3 Units per case on merit.	

21.	Nagar Nigam Appeals	2 Units per case	
22.	Framing of issues in suit	0.5 Unit per suit	Not applicable for additional issues
23.	Disposal of Preliminary issue.	3 Unit for each contested preliminary issue.	

## Annexure-E

CJM/ACJM/JM (Criminal Work)			
Sl. No.	Details/Nature of cases	Units	
		Units	Remarks/ Reasons
1.	Warrant cases IPC (contested)	6 Units per contested case	-
2.	Cases u/s 363, 377, 408, 409, 466, 467, 468, 471, 477 IPC (contested).	7 Units per case	
3.	Cases under Section 138 of NI Act, E.C. Act/Food Safety and Standard Act 2006 (contested)	4 Units per case	
4.	Prevention of Food Adulteration Act (contested)	6 Units per case	
5.	Disposal of Applications u/s 156 (3), 311, 319 Cr.P.C.	1 Unit per contested application.	
6.	Warrant cases of other Local and Special Acts (contested)	5 Units per case.	
7.	CBI/Special Cell/Crime Branch/ Cyber Crime Case	10 Units per case.	
8.	Petty case (Under police Act/Shop/Estb. Act/Municipal Act, SPCA Act, Motor Vehicle Act etc.) decided through summary procedure on plea of guilty.	6 Units per 100 challan. If Officer is not having summary powers then 6 unit per 50 challan.	
9.	Juvenile Justice Board: - A. Inquiry involving offences triable by Court of Session (on merit). B. Other Inquiry (on merit). C. Inquiry including orders on age determination or preliminary assessment into heinous offences.	8 Units per case 5 Units 3 Units per inquiry.	
10.	Misc. work including application for disposal of case property, statements u/s 164 Cr.P.C., misc. case under Section 446	0.5 Units per application.	-
11.	Bail matters and applications u/s 14 of the SARFAESI Act. (non bailable matters).	0.25 Units for per application	-
12.	For each additional accused more than 03 accused and for each additional set of 05 witnesses beyond 25 witnesses in a decided case	0.5 Additional Unit	-
13.	Cases in which accused is either discharged u/s 249 of Cr.P.C. or convicted u/s 241 or 246 (3) Cr.P.C.	1 Unit for every 10 cases	-
14.	Cases in which the accused is discharged u/s 239 or 245 Cr.P.C.	1 Unit for every 5 cases	-
15.	Cases in which the accused is discharged u/s 249 Cr.P.C. without any evidence having been recorded	1 Unit for every 10 cases	-
16.	Cases which are compounded u/s 320 Cr.P.C.	2 Units per case.	-
17.	Cases u/s 299 Cr.P.C.	1 Unit per case	-
18.	Cases in which the accused is convicted u/s 252 Cr.P.C.	1.5 Units per case	-
19.	Cases in which the accused is acquitted	2 Units per case	

	u/s 256,257,258 Cr.P.C. after some evidence has been recorded		
20.	Cases in which the accused is acquitted u/s 256,257,258 Cr.P.C. without any evidence having been recorded	1 Unit per case	-
21.	Cases dismissed u/s 203 Cr.P.C.	1 Unit per case	-
22.	Final Reports with Protest Petitions	2 Unit per case	-
23.	Final Report without Protest petition	1 Unit of 3 cases	
24.	Cases where the accused pleads guilty at the commencement of the trial	0.5 Unit per case	-
25.	Committal of cases to the Court of Sessions, transfer of case, by JJ Board, after inquiry, under Section 18 (2) of the Juvenile Justice (Care and Protection of Children) Act.	2 Units for every 5 cases	-
26.	Disposal of cases by Railway Magistrate on the basis of confessional statement	0.2 Unit per case	-
27.	Railway Magistrate for Mobile Court	4 Units for each mobile court	-
28.	Disposal of Applications u/s 156(3), 311, 319 Cr.P.C.	1 Unit per application on merit.	-
29.	Statement u/s 313 Cr.P.C.	0.5 Unit at every set of 3 accused per case.	No unit will be claimed if all witnesses of fact are hostile
30.	Framing of Charges	0.5 Unit for each case.	-
31.	Summon Trial on merit.	3 Unit per trial.	-
32.	Police custody remand.	0.5 unit per application.	-
33.	Statement recorded under Section 202 (2) CrPC, if offence complained of, is triable exclusively by court of Session.	3 units per case	

## Annexure-F

Units for Family Courts and where family courts are not established for the court dealing with family matters.		
Sl. No.	Details/Nature of cases	Remarks/Reasons
		Units
1.	Interim order (maintenance / custody/ guardianship / visitation / any interim application etc.)	3 units per contested application 1 unit per ex parte application.
2.	Restitution of conjugal rights / judicial separation / suit for injunction simplicitor / permanent alimony or for alteration of such order / declaration of void or voidable marriage/ any other suit of declaratory nature.	8 units per contested case.  1 unit per ex parte case.
3	Dissolution of marriage by mutual consent	4 unit per case
4	Divorce petition.	10 unit per contested case. 1 unit per ex parte case.
5	Other suits relating to family matters.	8 units per contested case. 1 unit per ex parte case.
6	Misc. cases other than above	2 unit
7	Adoption proceedings under JJ Act, 2015.	8 units per contested case.
8	Application u/s 125 Cr.P.C. (per contested case)	6 units per application. 2 units per ex parte application.
9	Application for interim maintenance under Special Acts, separate proceedings for permanent alimony under Special Acts, application u/s 125 (3), 126, 127, 128 Cr.P.C., application for setting aside ex parte order.	2 units per contested application.
10	Execution cases	3 units per case.

## Annexure G

Administrative/Misc. Work by Judicial Officers			
Sl. No.	Details/Nature of cases	Units	Remarks/ Reasons
1	District Judges / CJMs	5 Units per month, if cases are more than 300. 3 units per month, if cases are less than 300.	For misc. judicial work.
2.	Annual inspection by District Judge/ ADJs and CJM / ACJMs of Courts and all departments at Headquarter and outlying courts.  Inspection of own office by District Judge once in a year.	4.5 units per inspection.  5 units	
3	Half yearly inspection of Office by Judicial Officer of one's own office and department in-charge. Inspection of other offices i.e. Jail Authorities, Juvenile Homes	5 Units per half yearly  4 units per inspection	
4.	Administrative work by District Judge.	5 Units per month.	-
5.	Work done by District Judge as Chairman of DLSA.	5 Units per month.	
6.	Work done by other Judicial Officers regarding legal aid / attending legal aid camp.	5 units per camp.	
7.	Officers in-charge (Nazarat / Stationery / Copying / Library / Amin / Administrative/ Accounts (Headquarter and outlying))	5 Units per month for Officer I/c of a department	
8	Departmental Enquiry: - A. Fact finding  B. Regular DE	3 Units for each preliminary enquiry  8 Units for each Departmental enquiry	2 Units per month will be deducted, in case of PE pending for more than 4 months.  4 Units per month will be deducted, in case DE pending for more than 1 year.
9	Principal Judge / Judge, Family Court.	5 Units per month	(for doing administrative work)
10	Custodial Death Enquiries	4 Units per inquiry.	-
11	Recording of Evidence	1 Unit per witness.	-
12.	Work of Link Officer	1 Unit for each day for Misc. work as a Link Officer.	He/ she will also claim same unit for disposal of every such application, as a Link Officer, as if he has decided in his own court.
13.	Member/Secretary of District Legal Service Authority	10 Units per month.	As presently the Secretaries, District Legal Services Authorities are not assigned judicial work. Therefore, they are not required to give any quota. Hence, there is not necessity of granting any additional unit to such

			Secretaries. However, in case the Secretaries, District Legal Services Authorities, who are also assigned Judicial work they will be entitled to 10 Units per quarter.
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**Annexure-H****General Guidelines**

1. Judicial officers are expected to inspect their offices once in a half year. A District Judge is expected to inspect each subordinate court & departments and his own court's office once in a year. The total time spent in inspection will be noted in the remark column of the statement.
2. The merit of an officer will be judged by the quality of his work. The officers, therefore, in no circumstances will escape from quality for sake of quantity.
3. The statement of out-turn of work will bear the name and designation of the official who prepares the same and also the official who checks the same
4. It will be the personal responsibility of the presiding officer concerned to see that the statement, so submitted is absolutely correct.
5. The District Judge should ensure that the statements are properly and correctly prepared. Severe action should be taken against officials preparing wrong statements.
6. District Judges should expedite disposal of miscellaneous appeals, revisions and other cases in which proceeding before the lower courts have been stayed.
7. Every Judicial in each assessment year need to decide cases in following pattern:

S. No.	Nature of Cases	If number of cases in the beginning of the year i.e. 1 <sup>st</sup> day of April each year.	Then Officer is required to dispose number of cases per annum.
1.	Civil or Criminal Case	More than 50	20
2.	-do-	41-50	16
3.	-do-	31-40	14
4.	-do-	21-30	12
5.	-do-	Less than 20	10

For this assessment year 01<sup>st</sup> April will be read 01<sup>st</sup> August, 2021.

Note: Every Judicial Officer in each assessment year need to decide cases (on merit) in every pending category of matters like Sessions Trial, Special Sessions Trial, Civil Revision, Civil Appeal, Original Suit, Warrant Trial, Summon Trial, Complaint Case etc. according to the pendency in their respective court according to the pattern given in the above table.

If any officer fails to dispose of according to above pattern then irrespective of units achieved at the end of the assessment year his / her performance will be recorded as 'Poor'.

If officer's qualitative / quantitative performance is found to be 'Poor' **consecutively for two years**, then he / she shall be subjected to appropriate action, **as per Rules**. It will also be a measure factor to be taken into consideration while reviewing the continued utility in service of the incumbent, after attaining the age of 50 years and also at the time of consideration of the claim of an officer for grant of ACP, selection grade and super time scale etc.

At the end of the assessment year, officer is expected that he /she must have achieved 60% of the disposal from contested cases out of the total units given.

Officer is required to attach five judgments with self assessment which shall not include judgment of compromise, hostile or misc. cases.

8. Presiding Officers should expedite disposal of applications for the ad interim injunction, attachment and appointment of receiver.
9. Presiding Officers should expedite civil miscellaneous cases of the nature of section 47 CPC order 21 Rule 58 CPC, Order 21 Rules 97 and 100 CPC, Order 21 Rules 89 & 90 CPC etc., so as to expedite disposal of old executions cases.

10. Presiding Officers should expedite disposal of old cases, Presiding Officer should not give long dates when adjourning old cases. Short dates after a week or two should be normally given. A list of 50 oldest cases may be prepared at the beginning of every quarterly and the cases may be disposed of on priority basis.
11. District Judges will check the statements submitted by the Officers at regular basis to ensure that Presiding Officers are disposing of a fair number of old cases and are not only giving preference to new cases. A specific mention should be made in the Confidential Remarks regarding this. Presiding Officers found habitually not paying due attention to disposal of old cases may not be considered fit for promotion or confirmation.
12. The officers with stenographer will have to give minimum 1200 units per year and the officers without stenographer will have to give minimum 1000 units per year:
  - i. If the pendency of the cases (including all categories) in the court of District Judge / Addl. District Judge at any point of time during the year had been 300 or more.
  - ii. If the pendency of the cases (including all categories) in the court of Commercial Court / Family Court, Civil Judge (Sr. Div.) and Civil Judge (Jr. Div.) at any point of time during the year had been 500 or more.
  - iii. If the pendency of the cases (including all categories) in the court of CJM / ACJM / JM and Civil Judge (Sr. Div.) / Civil Judge (Jr. Div.), who are doing civil and criminal both type of work, at any point of time during the year had been 1000 or more.

**But;**

- i. If the pendency of the cases (including all categories) in the court of District Judge / Addl. District Judge at any point of time during the year had never been 300 or more.
- ii. If the pendency of the cases (including all categories) in the court of Commercial Court / Family Court, Civil Judge (Sr. Div.) and Civil Judge (Jr. Div.) at any point of time during the year had never been 500 or more.
- iii. If the pendency of the cases (including all categories) in the court of CJM / ACJM / JM and Civil Judge (Sr. Div.) / Civil Judge (Jr. Div.), who are doing civil and criminal both type of work, at any point of time during the year had never been 1000 or more.

Then proportional out turn in view of the lesser pendency of maximum case during the year will be treated as 1200 units in the assessment year.

For example maximum pendency of assessment year is 200 cases in a year any time then required units per month will be in case of District Judge.  $200/300 \times 100 = 66.67$  Units per months = 800.04 Units per annum.

13. Computation of out-turn of the officer shall exclude leaves, holidays (not including Second Saturday and Sundays), and training period at the rate of 3.28 units per day.
14. The number of working days in a month is assumed to be 25 days (5 days deducted in a month is in lieu of Sundays and Second Saturday). In case of decrease in the number of working days in a month on account of vacations, court holidays or absence of judicial officer on account of leave or any official reasons/ training, the target of units would be decreased proportionately. Hence, the officer is required to give 100 units in month considering 25 working days.
15. The District & Sessions Judge shall take care that the administrative and judicial work are evenly distributed amongst all judicial officers under their respective control. The District & Sessions Judge shall ensure that cases of all categories are evenly distributed among all Judicial Officers and regarding this, he shall keep reviewing every quarter and shall send quarterly report about the even distribution of cases of all categories and disposal of such cases.

16. Special incentive will be given to the Judicial Officer, if he disposes old cases:

20% of unit prescribed for that category of case, if it is more than 5 years old and above.  
 40% of unit prescribed for that category of case, if it is more than 10 years old and above.  
 60% of unit prescribed for that category of case, if it is more than 15 years old and above.

The proforma is annexed as appendix.

17. For newly recruited Civil Judge and ADJ (Direct HJS):

i.	During first induction course	:	No units.
ii.	After first induction course for first two months	:	No units.
iii.	For next two months	:	Minimum 25% of prescribed units.
iv.	For next two months	:	Minimum 50% of prescribed units.

Thereafter, the Judicial Officer shall give 100% of the prescribed unit. However, Judicial Officer should make sincere and consistent efforts to dispose more number of cases and to reach minimum prescribed quota.

18. Appreciation of the Units with regard to work done criteria in ACR will be done as follows:

Where the outturn of the work is more than 1600 Units	:	Excellent.
Where the outturn of the work is between 1400 - 1600 Units	:	Very Good.
Where the outturn of the work is between 1200 -1400	:	Good.
Where the outturn of the work is below 1200 Units	:	Poor

Appendix  
(To be filed by Judicial Officer)

1	Name of the Judicial Officer
2.	Designation
3	Pendency of main cases.
	Disposal of main cases.
	Total Pendency
	More than 5 year old cases
	More than 10 year old cases
	More than 15 year old cases
	Total Disposal
	Disposal of more than 5 year old cases
	Disposal of more than 10 year old case
	Disposal of more than 15 year old case
	Percentage of disposal.
Sessions Trial / Spl. Sessions Trial	
Civil Appeal	
Civil Revision	
Misc. Civil Appeal	
Criminal Appeal.	
Warrant Trial (IPC & other Acts)	
Summon Trial (IPC & other Acts)	
Section 138 NI Cases	
Original Suit	
Execution	

From

Registrar General  
High Court of Uttarakhand  
Nainital.

To

All the District Judges  
Subordinate to High Court of Uttarakhand

C.L.No.10/UHC/Admn-B/v(a)6/2020

Dated: 01<sup>st</sup> September, 2021

**Subject:- Practice Directions to streamline the procedure being Adopted in the cases instituted for the offence under Section 138 of the Negotiable Instruments Act.**

Madam/Sir,

In compliance of order dated 16.04.2021 of Hon'ble the Supreme Court of India passed in *Suo Moto* Writ Petition (Criminal) No.02 of 2020 titled as "*In Re: Expeditious Trial of Cases under Section 138 of Negotiable Instruments Act 1881*", the following directions are hereby issued in order to streamline the procedure being adopted in the cases instituted for the offence under Section 138 of the Negotiable Instruments Act, 1881:-

- (1) The Magistrates having jurisdiction to try offences under the Negotiable Instruments Act, 1881 (*in short Act*), shall record cogent and sufficient reasons before converting a complaint under Section 138 of the Act from Summary Trial to Summons Trial in exercise of power under the second proviso of section 143 of the Act. Due care

and caution shall be exercised in this regard and the conversion of summary trial to summons trial shall not be in a mechanical manner.

- (2) On receipt of a complaint under Section 138 of Act, wherever it is found that the accused is resident of the area beyond the territorial jurisdiction of the Magistrate concerned, an inquiry shall be conducted by the Magistrate to arrive at sufficient grounds to proceed against the said accused, as prescribed under Section 202 of the Code of Criminal Procedure, 1973 (in short Code).
- (3) While conducting the inquiry under Section 202 of the Code, the evidence of witnesses on behalf of the complainant shall be permitted to be taken on affidavit. In suitable cases, the Magistrate may restrict the inquiry to examination of documents for satisfaction as to the sufficiency of grounds for proceeding under the said provision without insisting for examination of witnesses.
- (4) Trial Court shall treat service of summons in one complaint under Section 138 of the Act forming part of a transaction, as deemed service in respect of all complaints filed before the same Court relating to dishonor of cheques issued as part of the said transaction.
- (5) Trial Courts have no inherent power to review or recall the issue of summons in relation to complaint filed under Section 138 of the Act. However, the same shall not affect the power of the Trial Court under Section 322 of the Code to revisit the order of issue of process in case it is brought to the court's notice that it lacks jurisdiction to try the complaint.

- (6) Section 258 of the Code has no applicability to complaints under Section 138 of the Act. The words “*as far as may be*” in Section 143 are used only in respect of applicability of Sections 262 to 265 of the Code and the summary procedure to be followed for trials under the said Code.
- (7) The Appellate Courts, before which appeals against the judgments in complaint under Section 138 of the Act are pending, shall make efforts for the settlement of the dispute through mediation.

The aforesaid Practice Directions shall come into force with immediate effect. Therefore, all the Judicial Officers in the State are hereby directed to follow the above practice directions scrupulously, while dealing with cases under Section 138 of the Negotiable Instruments Act, 1881.

From:

Registrar General,  
High Court of Uttarakhand,  
Nainital

To,

1. All the District & Sessions Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge, Dehradun/ Judges, Family Courts, State of Uttarakhand.
3. Principal Secretary (Law)-cum-, L.R., Government of Uttarakhand, Dehradun.
4. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No. 23/16, Circular Road, Dalanwala, Dehradun-248001.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
17. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
18. Legal Advisor to Public Service Commission, Uttarakhand, Haridwar.
19. Deputy Director (Law), Competition Commission of India, New Delhi.

**C.L. No. 11/UHC/Admin.A/2021**

**Dated: Sept.28, 2021**

**Subject: Regarding provision for administering Oath to every Judicial Officer (direct recruited in the cadre of Additional District Judge and Civil Judge (Jr. Div.) after completion of Induction Training and before assigning them independent Court work.**



Sir/Madam,

On the subject noted above, I am directed to inform that, henceforth, every Judicial Officer (direct recruited in the cadre of Additional District Judge and Civi Judge (Jr. Div.), will take Oath of affirmation on completion of their Induction Training and before assigning them independent Court work. The Oath of affirmation will be subscribed before Hon'ble the Chief Justice of the High Court of Uttarakhand or such other Hon'ble Judge of the High Court of Uttarakhand or a District & Sessions Judge as may be appointed in that behalf by Hon'ble the Chief Justice.

Prescribed form for Oath of affirmation is annexed herewith.

You are therefore, requested to ensure compliance in this matter.

**FORM**

I .....having been appointed to the Higher Judicial Service/Judicial Service of the State of Uttarakhand as.....do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully and to the best of my ability, knowledge and Judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the Constitution and the Laws.

Oath taken and subscribed before me

Dated:

Place:

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**VARIOUS NOTIFICATIONS REGARDING COVID-19****No.247/11HC/Admin. B/2021****Dated: 01<sup>st</sup> July, 2021**

Having considered the present situation in COVID-19 Pandemic and in view of the health guidelines issued by the Government of India and the State Government, for safety of the litigants, advocates, officers and staff of the Subordinate Courts, Hon'ble Court is pleased to issue following directions-

1. Subordinate Courts of District Champawat, Rudraprayag and Uttarkashi will continue normal judicial work, except trials, through physical mode.
2. Subordinate Courts of District Dehradun, Haridwar, Udham Singh Nagar, Haldwani (District Nainital) and Ramnagar (District Nainital) will continue hearing through virtual mode, in consonance with Notification No.181/UHC/Admin.B/2021 dated 15.05.2021 of the Hon'ble Court.
3. Rest of the Subordinate Courts will resume normal judicial work, except trials, through physical mode w.e.f. 05 July, 2021,
4. Subordinate Courts will follow the guidelines given in the Standard Operating Procedure (SOPs), issued with the Notification No.228/UHC/Admin.B/2021 dated 12.06.2021 of the Hon'ble Court.
5. The Standard Operating Procedure (SOPs) will be strictly adhered to with such suitable adaptations, as may be necessary to conform to the hearing through physical or virtual mode, as the case may be.
6. The District Judges shall furnish a report with regard to the prevalence of Covid-19 cases in their respective districts to the respective Administrative Judges on weekly basis.

**By Orders of Hon'ble Court**

**No. 288 /UHC/Admin.B/2021**

**Dated: 26<sup>th</sup> July, 2021**

Having assessed the COVID affected cases in all the districts of the State and issues related thereto, in view of the fresh health guidelines issued by the Government of India and the State Government and keeping in view the safety of the 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. 02.08.2021.

1. All the District Courts in the State Judiciary will resume normal physical work including trials.
2. Initially, only such trials will be taken up which are at their fag end, meaning thereby, only one or two witnesses remain to be recorded, or matter is fixed for statement of accused, defence evidence, final argument etc.
3. Gradually, such trials may be taken up in which more than one or two witnesses have to be recorded.
4. Subordinate Courts will follow the guidelines given in the enclosed Standard Operating Procedure (SOP).

**By Orders of Hon'ble Court**

## STANDARD OPERATING PROCEDURE: SUBORDINATE COURTS

NO. 288 /UHC/ADMIN.B/2021

DATED 26.07.2021

1. **Display Boards:** There shall be Display Boards, Posters, Banners etc. in the Court Complex for awareness amongst the stake holders for COVID-19 precautions such as maintaining physical distance, use of masks/sanitizers, prohibition of spitting and congregation in the Court premises.
2. **Disinfection of Court Complex:** The Court Complexes shall be disinfected everyday with the Court Staff from 7:30 am to 9:30 am. Specific care will be taken to disinfect the areas/rooms where there will be footfall during the course of the day. After completion of Court work, the entire Court Complex will be get sanitized/disinfected from local municipality.
3. The District Judges shall nominate one senior officer to coordinate with the municipal authorities and supervise the process of sanitization/disinfection of the Court Complex.
4. The Officers/Staff nominated by District Judges will be responsible for disinfection/sanitization of the Court building and premises.
5. **Restricted Entry:** Limited numbers of persons will be allowed to enter the Court Complexes. The entry will be permissible only to those advocates, whose cases are listed in the Courts. All the Advocates, Staff members shall

- carry ID cards. Except the concerned Advocates, Court Officers and Staff, no others will be permitted inside the Court Premises. Advocates will leave the Court Premises immediately after attending their work.
6. No one with the symptoms of cough, fever, running nose be allowed to enter into the Court Complex. Persons with such symptoms be informed to immediately visit nearest Govt. Hospital, and their contact details be obtained to give to the nearest Civil Administration.
  7. **Use of Mask:** All the persons, including Judicial Officers, Advocates, Court Staff, Prosecutors, Police Officials, Doctors, and others entering the Court Complexes shall invariably wear masks. Persons without masks will not be permitted to enter Court Complexes.
  8. **Thermal Screening:** All the persons entering the Court Complexes shall invariably undergo thermal testing. Those who are having body temperature of 100 Fahrenheit or more shall not be allowed inside the Court Complex, and their mobile numbers and address will be taken and intimated to the Government Medical Officers for follow up action. District Judges are required to train and keep a person with proper equipments to test persons with thermal guns.
  9. **Use of Sanitizers:** All persons, including the Judicial Officers, Staff of the Court, Advocates etc. while entering the Court premises shall invariably

- clean and rub their hands with Sanitizers provided near the Court rooms. Sanitizers may be get supplied from the local Health Administration or Municipality.
10. District Judges/Nominated Officers will coordinate with the local Health Administration or the Municipality for the supply, and will ensure that sufficient Sanitizers are made available to staff, advocates and for others, who enter the Court complex.
  11. **Social Distancing:** The Advocates, Court staff entering the Court Complex shall go to their respective office rooms. The Judicial Officers shall go to their respective chambers, duly sanitized by the staff in advance.
  12. Chairs/Tables in the office will be arranged in such a way that a minimum distance of 3 feet between the chairs is maintained and required physical distance is maintained among the staff members.
  13. Public Prosecutors/ Government Advocates will go to their chambers and entry of persons, whose presence is not required for Court proceedings, will be restricted in their chambers.
  14. Advocates after entering the premises shall not congregate or loiter in the Court complex. They are required to maintain social distancing. Upon entering the Court Premises, the advocates shall go to their waiting area earmarked until their case is called.

15. **Filing of Cases:** For the purpose of physical filing of cases, more filing centers will be opened in the Court Complexes for filing of the cases will not be permitted to enter either Court Rooms or Office Rooms.
16. Filing Counters shall be set up preferably outside the main Court building or near the entry-exit point. The location of the filing counters shall be such that Advocates may wait in the open space. The process of physical filing shall be personally supervised by deputed Staff of the Court, who shall ensure that social distancing and other norms are strictly followed.
17. As far as possible, separate filing counters shall be opened for Criminal and Civil matters and Courts wise.
18. Filing shall not be accepted from a person who is not wearing a proper mask and who has not followed norms of physical distancing.
19. The staff in the filing counter will insist advocates to mention their mobile number, e-mail ID on the vakalatnama, pleadings etc. for further correspondence, if required.
20. After scrutiny, as far as possible, the intimation shall be sent to the concerned, either for rectification of the objections, or for hearing to their registered mobile number or e-mail ID.
21. Copies of the orders will be given at the earmarked counter close to the entrance of the Court Complex.



22. **Posting of Cases:** Presiding Officers at liberty to list the case and organize the Court in such a way that the Court is engaged whole day, only such minimum number of persons, excluding the Court Staff, whose presence is necessary for the Court proceedings will be permitted to remain present in the Court room at a time.
23. Cause list for the following working day will be published in the official website of the Courts.
24. **Entry in the Court Room:** All advocates and Court staff entering the Court Rooms shall use sanitizer and rub their hands before entry.
25. Court Room seating arrangement will be restricted to conform to the guidelines given in para No. 22 above. Once hearing of a case is over, the advocates pertaining to that case will leave the Court Room for other advocates waiting in the place earmarked for them.
26. There must be a waiting place for the learned Advocates who are waiting for their turn to address the Court as per the cause list, near the Court Room, Minimum 3 feet distance be maintained between the chairs in the waiting area and sanitizers be made available.
27. **Hearing of Cases:** Cases will be taken up as per the guidelines issued from time to time.
28. When there are more accused than one in a case, necessary arrangements

- shall be made for maintaining physical distancing between the accused while in the dock.
29. In Criminal cases, unless there is a statutory requirement, the presence of the accused shall be dispensed with.
  30. **Chambers of Bar Association:** The guidelines of these SOPs will apply with suitable adaptations to the Advocate Chambers.
  31. **Canteen, Shops/Stalls in Court Complexes:** They will function in accordance with the guidelines issued by the Government and the Local Administration.
  32. **No Over Stay in the Court Premises:** All the Advocates, Public Prosecutors, Police Officials, and others will leave the Court premises soon after their work is over. Staff of the Court will leave the Court premises at 5:00 pm so that disinfection work may begin.
  33. District Judges will convene periodical meetings with the Advocates, Office bearers of the Bar Association, and solicit their cooperation in implementation of these guidelines.
  34. District Judges will also convene regular meetings with the District Civil and Police Administration, District Medical & Health Officer, and the Bar Association.
  35. In these SOPs, in respect of the Family Courts, the District Judge will mean the Judge-in-Charge of a Family Court.

**No. 289 /UHC/Admin.B/2021**

**Dated: 26<sup>th</sup> July, 2021**

Having assessed the COVID affected cases and the issues related thereto, and in view of the fresh health guideline's issued by the Government of India and the State Government and keeping in view the safety of the litigants, advocates, officers and staff, Hon'ble High Court will resume the normal judicial work w.e.f. 2<sup>nd</sup> August, 2021 through hybrid mode (through physical as well as virtual mode).

The Standard Operating Procedure (SOP) for the aforementioned purpose will follow separately.

**By Orders of Hon'ble Court**

**Standard Operating Procedure (SOP) is being issued for the High Court of Uttarakhand in compliance of Notification No. 289/UHC/Admin.B/ 2021 dated 26.07.2021**

- 1. General Guidelines:** All persons including the officers, staff, advocates, litigants etc. entering the Hon'ble Court premises will strictly comply with the COVID guidelines issued from time to time by the Government of India, State Government and the Local Administration.
- 2.** In addition to the aforesaid guidelines, the guidelines and instructions, as given under, will also be complied with, while the person concerned is within the Hon'ble Court premises.

3. All the Court Rooms and Offices within the High Court premises will be sanitized between 8 A.M. to 9.A.M. in the morning and again in the evening after the office working hours.
4. Display Boards will be functional for convenience and information of the advocates and litigants.
5. **Entry in the Hon'ble Court Premises:** The entry in the Hon'ble Court premises shall be regulated.
6. **Entry for the Advocate:** Only such advocates will be allowed to enter the Hon'ble Court premises, whose cases are listed.
7. **Entry for the Advocates' Staff:** Only such advocates' staff will be allowed to enter the Hon'ble Court premises, who have to assist the advocates to carry the case files, or have to visit the premises for the purpose of case filing etc.
8. **Entry for the Litigants:** No litigant will be allowed to enter the Hon'ble Court premises unless his presence is required by the Hon'ble Court. Such litigant, while making the entry, will show a copy of order of the Hon'ble Court requiring his presence in person and photocopy of the identity proof.
9. Once the purpose of visit of the Hon'ble Court premises is over, the advocates, their staff and the litigants will leave the premises, so that crowding may be avoided in the larger public interest.

- 10.** Entry in the Hon'ble Court premises will be from the gates, which are specified for that purpose.
- 11.** There will be thermal scanning for all persons, who enter the Hon'ble Court premises. Where the temperature of body of the person is more than the limit prescribed under the medical guidelines, entry shall not be given. Entry will also be not given to person having symptoms of flu, fever, cold and cough etc.
- 12.** All persons, while they are within the Hon'ble Court premises, will wear masks as necessary health precaution. Improper use of the mask will disentitle a person from entry in the Hon'ble Court premises.
- 13.** Where a person, including the advocates and litigants, is from other States, entry in the Hon'ble Court will not be given unless such person produces his RTPCR report which should not be more than 72 hours old.
- 14.** It must also be ensured that gathering even in small groups in the entire premises is avoided.
- 15.** The consumption of liquor, pan, gutka, tobacco and spitting inside the Court premises is strictly prohibited and will attract prosecution/punishment as per the guidelines of Central and State Government.
- 16.** Awareness signage mentioning Do's, Don'ts and precautions be placed at appropriate places. Regular cleaning with sodium hypochlorite and

- sanitizing substances will be done in the entire premises. All the Public Toilets in court premises should be cleaned at regular intervals with chemicals.
- 17. Entry in the Court Rooms:** Only such advocates will be permitted to enter the Court Room, whose cases are being taken up or the case is amongst the next four cases waiting for the call out.
  - 18.** Senior Advocates are advised to take assistance from only one advocate. Learned Advocates other than Senior Advocates are advised to come alone in the Court Room.
  - 19.** The sitting arrangement in the Court Rooms will also be regulated, and all norms of the social distancing will be mandatorily followed. No two persons will sit in adjacent seats.
  - 20.** All persons before entering the Court Room will sanitize their hands.
  - 21.** For each Court Rooms, there will be waiting places for the advocates. The details of the waiting place will be affixed outside every Court Rooms by the Registry. The details will also be given the Notice Boards.
  - 22.** The waiting places will have sitting arrangements, which conforms the all norms of the social distancing. Hand sanitizers and other necessary safety articles shall be ensured in the waiting places.

23. As soon as proceedings of a case are over, the advocates will leave the Court Hall for the other advocates, who are waiting for their cases.
24. All advocates appearing before the Court in person shall be in the prescribed robe. However, wearing of the gowns will only be optional for those who appear through video conferencing.
25. **Filing:** Filing of fresh matters will be through drop boxes. Drop boxes will be kept at the entrance of the Hon'ble Court premises.
26. All applications, affidavits, papers etc. will also be filed through drop boxes, for which separate drop boxes will be kept at the entrance of the Hon'ble Court.
27. One staff will be deputed to assist the filing through drop boxes.
28. It must be ensured that all the applications received through the drop boxes be disinfected first before sending the same to the Institution Section or other Sections.
29. It must be ensured that the files sent to the residences or chambers of Hon'ble Judges be fumigated first.
30. All fresh matters filed through drop boxes shall be processed for the purpose of scrutiny, reporting, registration etc. on the following working day. The matters shall thereafter be listed for the next working day of the Court.

- 31.** Advocates and their staff shall not visit Sections of the Registry for enquires and for getting information regarding the cases. They are advised to communicate with the Sections through e-mails. The e-mail addresses of all the Judicial Sections are already available in official site of the Court.
- 32.** The Sections shall give prompt reply to such e-mails.
- 33.** If the Advocates are to appear before the Court only for the purpose of seeking adjournment, and if they have video conferencing facilities at their chambers or residential offices, they are requested to seek the adjournment through video conferencing.
- 34.** Similarly, if the Advocates are to appear before the Court only for the purpose of mentioning, and if they have video conferencing facilities at their chambers or residential offices, they are requested to mention the case through video conferencing by e-mailing advance copy of the duly filled Mention Memo, as per the existing practice.
- 35.** In other cases, where an advocate intends to appear through video conferencing, he should give advance information in this regard to the advocate of the opposite party, and also to the Bench Secretary concerned.
- 36.** The link address for the Video Conferencing will be displayed in the official website of the Hon'ble Court, as per the prevailing practice.



37. All protocols of the hearing through Video Conferencing will also be as per the prevailing practice.
38. Advocates will also observe all the essential health guidelines and norms of social distancing in Bar Room and in their Chambers situated in the Hon'ble Court premises.
39. The additional guidelines, if necessary to supplement these guidelines, will follow.
40. The guidelines would be subject to such variations, as may be ordered by Hon'ble the Chief Justice.

**By Orders of Hon'ble Court**

**No. 309/UHC/Admin. B/2021**

**Dated: 16<sup>th</sup> August, 2021**

Hon'ble Court is pleased to direct that the Hon'ble Court will resume normal judicial work only through physical mode w.e.f. 24.08.2021, and no request for virtual hearing will be entertained by the High Court.

2. All the provisions of the Standard Operating Procedure (SOP) notified by the Hon'ble Court with notification No. 289/UHC/ Admin.B/ 2021 Dated 26.07.2021, which confirms to the normal hearing will continue to apply.

**By Orders of Hon'ble Court**

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