



सत्यमेव जयते

UTTARAKHAND COURT NEWS
(A Quarterly Court Magazine)

Vol.-XI Issue No.-IV (October-December, 2020)



EDITORIAL BOARD

Hon'ble Mr. Justice Ravi Malimath
Hon'ble Mr. Justice Sudhanshu Dhulia
Hon'ble Mr. Justice Alok Kumar Verma

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Hon'ble Mr. Justice Ravi Malimath
(Acting Chief Justice)
(w.e.f. 28.07.2020)



Hon'ble Mr. Justice Sudhanshu Dhulia



Hon'ble Mr. Justice Lok Pal Singh



Hon'ble Mr. Justice Manoj Kumar
Tiwari



Hon'ble Mr. Justice Sharad Kumar
Sharma



Hon'ble Mr. Justice Narayan Singh
Dhanik



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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 31st December, 2020)

Sl. No.	Name of the Hon'ble Judges	Date of Appointment
1.	Hon'ble Mr. Justice Ravi Malimath (Acting Chief Justice)	28.07.2020
2.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
3.	Hon'ble Mr. Justice Lok Pal Singh	19.05.2017
4.	Hon'ble Mr. Justice Manoj Kumar Tiwari	19.05.2017
5.	Hon'ble Mr. Justice Sharad Kumar Sharma	19.05.2017
6.	Hon'ble Mr. Justice Narayan Singh Dhanik	03.12.2018
7.	Hon'ble Mr. Justice Ramesh Chandra Khulbe	03.12.2018
8.	Hon'ble Mr. Justice Ravindra Maithani	03.12.2018
9.	Hon'ble Mr. Justice Alok Kumar Verma	27.05.2019

MAJOR EVENTS & INITIATIVES

Gandhi Jyanti Celebration: On 2nd October, 2020



On 2nd October, 2020, Gandhi Jyanti was celebrated in the High Court premises with Great enthusiasm. On this occasion, Hon'ble Mr. Justice Ravi Malimath, Hon'ble the Acting Chief Justice, Hon'ble Mr. Justice Lok Pal Singh, 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 with their presence. Officers, Officials of the Registry and Advocates were also present to mark the occasion.

**SOME RECENT JUDGMENTS OF
THE HON'BLE COURT'S
DURING THE PERIOD COMMENCING FROM 01.10.2020
TO 31.12.2020
Division Bench Judgments**

1. In WPIL No. 131 of 2018, Deepal Ruwali vs. District Magistrate, Almora and others, decided on 19.11.2020, the Hon'ble Court in a matter, involving dispute claiming a right, title or interest, pertaining to the "Chitai Golu Devta Temple" at Almora, while deciding the petition has issued the following directions:-

1. Any person, body of individuals or otherwise claiming a right, title or interest in any manner whatsoever, including the *shebait* rights pertaining to the "Chitai Golu Devta Temple" at Almora, are entitled to file an appropriate suit or otherwise before an appropriate authority or court to seek an appropriate declaration to the said effect.
2. The said proceeding may be filed before the end of May, 2021.
3. The parties to the proceeding are entitled to file applications seeking interim relief. Such applications, if moved, will be considered by the trial court based on the merits of such applications. While considering the said applications, the trial court shall not be influenced by any of the observations made in this order, or in the order dated 04.03.2020.

4. If no such interim applications are made in the suit or proceeding, the interim arrangement, pursuant to the order dated 04.03.2020 passed by this court, shall continue to operate to run the temple in question, till the disposal of the suit or the proceeding.
5. In case no suit or proceeding is filed, then, in that event, the committee constituted on 04.07.2020 pursuant to the order dated 04.03.2020, shall continue to operate.

2. *In WPSB No. 434 of 2020, Sunil Panwar vs. The Public Services Tribunal, Uttarakhand, Dehradun and others*, decided on 31.12.2020, the Hon'ble Court observed that the basic purpose of an investigation is to bring out the truth by conducting fair and proper investigation in accordance with law. A fair trial is the heart of criminal jurisprudence. Denial of fair trial is crucifixion of human rights. Therefore, it is the responsibility of the Investigating Officer to ensure that the investigation should be judicious, transparent and fair and the record of investigation should not show that efforts were being made to protect and shield the guilty or the investigation was indicative of bias mind. A high responsibility lies upon the Investigating Officer not to conduct an investigation in a tainted and unfair manner. The investigation must be honest, unbiased and in accordance with law. Negligence in the investigation is the breach of a duty caused by omission. It leads to miscarriage of justice.

It is further observed that the petitioner was given full opportunity to explain the matter, which he availed. He never raised any objection during the enquiry complaining of any prejudice of any nature to him. In this matter, dereliction in duties was found on the part of the petitioner. In the facts and circumstances of the case, no case is made out to hold that the said enquiry suffers from any procedural lapse or there was no evidence or was in violation of the principle of natural justice, thereby causing any prejudice to the rights of the petitioner. In our opinion, the order of censure passed against the petitioner

cannot be faulted with. In view of the guilt of the petitioner, it cannot be said that the punishment is disproportionate and shocking warranting any interference. The said punishment of censure is proportionate with the gravity of the charge, hence deserves to be upheld.

Single Bench Judgments

- 1. In Civil Revision No.41 of 2018, Sudhir Kumar Mehta & Others Versus Suresh Mehta & another**, decided on 09.10.2020, the Hon'ble Court observed that once a property is dedicated for public charities it will always remain a public charitable property. The trustees or the devotees have no infeasible rights to use the same for their personal use or to destroy the trust property. It is worth mentioning here that at the time of grant of leave to institute the suit under Section 92 of the Code, prima facie satisfaction is necessary to arrive to the conclusion that permission has been sought to institute the suit under Section 92 of the Code in regard to the public charities, as also the fact that the Trust is a public trust and the persons who want to institute the suit are interested in the Trust. The applicants have successfully proved the fact that they are seeking permission to institute the suit in regard to the public Trust. The defendants though have tried to deny the fact that the suit property is not public trust, however, they themselves admitted the execution of the trust deed dated 19.01.1908. The contention of the respondents that they are using this property for their own use and some shops have been let out and their names are recorded in the Nagar Palika record does not confer any right or title on them. Since at the stage of grant of leave, prima facie satisfaction was required but the learned District Judge instead of recording its satisfaction has discussed the merit of the case while hearing the application seeking permission to institute the suit. The impugned judgment and order, whereby the leave to institute the suit under Section 92 of the Code has been declined and the observations that the validity of the trust deed only can be examined by the civil court is apparently illegal and foreign to law. This Court has no hesitation in arriving to the conclusion that the learned District Judge has not only committed illegality in passing the impugned order, but for the reasons best known to him, had passed such an order which is not permissible in law.

2. ***Criminal Misc. Application No. 524 of 2014, Bhushan Kumar Minocha Vs. State of Uttarakhand and others***, decided on 09.10.2020, the Hon'ble Court observed that if, *prima-facie*, case is made out, no interference is warranted in such proceedings. Meticulous examination of material should not be made. One of the basic principles is also that the power to quash the proceedings shall not be used to stifle or scuttle a legitimate prosecution.

In the present matter, petitioner did not deal with the company initially. It was the Chief Manager, Harshvardhan, who was dealing with the company. The loan was sanctioned on 28.07.2006. The petitioner was acting as a Loan Manager. Even the documents were in joint custody of the petitioner and a D.S. Gunjyal, Senior Manager. On 25.08.2006, it is the informant, who recommended substitution of two mortgaged properties and in the letter, the informant writes to the Zonal Office that he has got search report etc., about the change of the mortgaged property. It is the informant, who on 26.08.2006 sends a reminder to the Zonal Office for change of the mortgaged properties. On 30.08.2006, the change was approved by the Zonal Office. On 09.10.2007, it was found that the documents pertaining to the properties, which were mortgaged on 25.08.2006 with the Bank were missing. On that date, the petitioner was not posted in the Bank. It is not the case that he did not hand-over the charge. It is not the case that he did not hand-over the loan documents. Petitioner was not over all in-charge of the affairs, he was the Loan Manager only. He was being supervised by the Senior Manager, Chief Manager and the final authority was the Zonal Officer. If any procedure, in sanctioning the loan was not completed by the petitioner, the process would have been stopped there. In fact, respondent no.3, the informant has not choose to file counter-affidavit in the petition. He simply filed a counter-affidavit to the affidavit filed by the petitioner dated 26.07.2019, by which the petitioner sought fresh investigation or reinvestigation. Having considered all the facts, this Court is of the view that, in fact, no *prima-facie* case is made out against the petitioner and the petition deserves to be allowed.

3. ***In FA No. 126 of 2015, Deepak Kapoor and others vs. Satish Chandra Mathur and others***, decided on 13.10.2020, the Hon'ble Court observed that if the averments in the plaint as a whole do clearly indicate the readiness and willingness of the plaintiff to fulfill his part of the obligations under the contract, even if the averments are differently worded will not militate against the readiness and willingness of the plaintiff in a suit for specific performance of contract. But it is equally true that the compliance of 'readiness and willingness' has to be in spirit and substance and not in letter and form. The readiness and willingness could not be treated as a straitjacket formula and that had to be determined from the entirety of facts and circumstances relevant to the intention and conduct of the party concerned. It is settled position in law that both the parties are bound to abide with the terms and conditions of the contract as it is and no further condition can be laid. Any condition imposed by the second party that on not satisfying a condition which is not part of the contract, the second party is not willing to perform his part of the contract would certainly lead to the conclusion that the second party is not willing to fulfill his part of the obligation under the contract.

4. ***In WPSS No. 951 of 2020, Susheel Kumar & another Versus State of Uttarakhand & others, decided on 03.11.2020***, it was held by the Hon'ble Court that the respondents, more particularly, State Government, cannot be permitted to treat the equals differently without any reasonable basis. In other words, the State Government, which is a welfare State, cannot change the service conditions of the petitioners without any reasonable basis and reduce them to the position worse than they were holding prior to taking over of the Institution under government grant-in-aid. Similarly, the State cannot be permitted to approbate and reprobate on the same facts and take inconsistent stand. Thus, the stand taken by the State Government vide order dated 24.03.2011 in non- absorbing the petitioners on Class IV post is unsustainable in the eyes of law as the case of the petitioners is not of

direct recruitment, but it is a case of continuation of services of the regular employees in the same establishment after its provincialization.

In this view of the matter, the denial of the benefits to the petitioners at par with the employees of another Government aided Institution is violative of Article 14 and 16 of the Constitution of India. The writ petition is, accordingly, allowed. Clause 1(iii) contained in Government Order dated 24.03.2011 is quashed, *qua* petitioners, only to the extent it says that no recruitment / appointment shall be done on any of the posts of Class IV in future and the work relating to Class IV shall be taken through outsourcing as per requirement. The Government Order dated 25.05.2017 is also quashed to the extent it provides that services of Class IV employees in the Institution shown at sl. No. 20 to 24 of said Government Order should be taken through outsourcing.

A writ of mandamus is issued directing the respondent nos. 1 and 2 to regularize the services of the petitioners on their respective Class IV posts in the Institution as they are continuously working as regular employees since prior to provincialization of the Institution. The petitioners shall continue as Class IV regular employees on the post they are holding prior to the provincialization of the Institution along with all consequential benefits and they shall be paid the regular salary as is being paid to the regular Class IV employees.

5. ***In WPMS No. 674 of 2020, M/S Dalip Singh Adhikari vs. State of Uttarakhand and other along with connected matters***, decided on 18.11.2020.2020, the Hon'ble Court observed that regarding in contractual matters, employer is the best judge of essential & non- essential conditions of eligibility during tender process and judicial interference in such matters has to be minimal. In the present case, the employer has rejected petitioner's technical bid for not having a technical personnel serving exclusively under him, therefore, this Court will not sit in appeal over the decision taken by the employer. For executing the work of such magnitude, services of technical personnel would be necessary and if a technical personnel is serving part-

time under two or more contractors, then there would be a reasonable apprehension that quality and pace of the work would suffer.

6. ***In WPMS No. 3888 of 2019, Anuj Agarwal vs. State of Uttarakhand***, decided on 24.11.2020, the Hon'ble Court observed that the District Mining Committee has decided to reduce the load capacity of trucks/dumpers to 120 quintals, which earlier was 125 quintals. This decision has been taken in public interest, as the trucks engaged in mining activity, which are registered with respondent no. 2, are required to go to the mining site, which normally is the river bed, where there are no roads and due to uneven surface of the river bed, there is always a risk of overturning of trucks/dumpers. If trucks/ dumpers engaged in mining activity are permitted to carry 19 tons of load, as sought by the petitioner, then the possibility of fatal accidents, cannot be ruled out, especially in the river bed or the muddy rural roads, which lead to the river bed. Thus, the decision taken by District Mining Committee has a nexus with the object sought to be achieved, namely, to prevent accidents. Even otherwise also, the decision taken by the District Mining Committee to reduce the load capacity of trucks/dumpers cannot be said to be contrary to the notification issued by the Central Government, as the Central Government has prescribed the maximum gross vehicle weight and the District Mining Committee has decided that trucks/dumpers engaged in mining activity will be permitted to carry lesser weight than what is prescribed by the Central Government. Thus, there is no conflict between the two. The restriction imposed by District Mining Committee will be applicable only to the trucks registered for mining purposes that too when they are transporting minor- minerals/ river bed material. *In such view of the matter, there is no scope for interference in the matter.*
7. ***In Civil Revision No.157 of 2019, Smt. Shalini Agarwal vs Sri Shandar Industries Private Ltd. With Civil Revision No.159 of 2019, Km. Seema Chauhan vs Sri Shandar Industries Private Ltd***, decided on 08.12.2020, the Hon'ble Court has held that every Court is supposed to satisfy itself that there is practical certainty of the

plaintiff's success, meaning thereby, that the plaintiff should show a very strong prima facie case and evidence in his favour of the plaintiff in respect of claim of recovery of the amount and in respect of claim of attachment before judgment or security. The object of Order 38 Rule 5 CPC in particular, is to prevent any defendant from defeating the realization of the decree that may ultimately be passed in favor of the plaintiff, either by attempting to dispose of, or remove from the jurisdiction of the court, his movable. In this regard, it is obligatory on the part of the Court also to satisfy itself that there is a reasonable chance of a decree being passed in the suit against the defendant, and only in such circumstances, after keeping in mind all the pros and cons, such order of attachment should be passed by the court. This would mean that the court should be satisfied the plaintiff has a prima facie case. If the averments in the plaint and the documents produced in support thereto, do not satisfy the court about the existence of a prima facie case, the court should refrain from passing any order in favour of the plaintiff under Order XXXVIII Rule 5 of CPC. It is well settled that once main order is held to be illegal and is set aside, all consequential orders automatically gets nullified

8. ***In WPMS No. 3511 of 2019, Pooja Sharma Vs. SDM Prescribed Authority and another***, decided on 14.12.2020, the Hon'ble Court has observed that accordingly, it has been laid down therein that regardless of legal position, in order to meet the welfare objective of the Act of 2007, the Maintenance Tribunal, inherently, has the power to order for eviction and the same would not be beyond the proceedings under the Act, and the scope of maintenance provided under the Act of 2007. If the SOR of the Act, as notified on 29.12.2007, is taken into consideration, it intended to provide an effective provision so as to make an effective provision for maintenance of the parents and senior citizens and their protection too and that is why under clause (c) of sub Clause (3) of the statement, object and reasons it included within it to provide a suitable mechanism for the senior citizens for whom the Statute was promulgated for protection of life and property of the older persons and hence in view of the provisions contained under Section 23 of the said Act, the

Tribunal will have a power in relation to the property of a senior citizen, if it has been wrongly occupied under a threat or a duress of judicial proceedings by relative as provided defined under Section 2(g), which as per the opinion of this Court and for the reason already given above, the daughter-in-law will also be inclusive in the definition of family and hence for the reasons aforesaid, I do not find any infirmity in the judgement impugned, which is under challenge, consequently, the writ petition lacks merit and the same is accordingly dismissed.

9. ***In WPMS No.93 of 2014, Yukti Constructions Pvt. Ltd. Vs. State of Uttarakhand & Ors.***, decided on 21.12.2020, the Hon'ble Court held that the mutation as well as demarcation proceedings under Section 41 of the U.P. Land Revenue Act are summary in nature and do not decide the title of a party with respect to the land in dispute. An incumbent, who had purchased the land after Section 4 notification, has no right to question the acquisition.

The matter with regard to land acquisition has the effect on the society in general and the action is taken in public interest. In such a case the aggrieved person has to be very conscious and alert for challenging any right immediately rather than taking shelter of other acts where the public interest is not involved. In the case at hand, the petitioner has filed the present writ petition challenging the Notifications dated 12.09.1987 and 30.01.1988 issued under Section 4 and 6 of the Land Acquisition Act, after a lapse of almost 26 years. Since then, much water has flown under the bridge. If an applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the Court, then such an act would disentitle him from any relief. Since the petitioner has not approached the Court with clean hands and have rather suppressed the material facts in order to obtain a favourable order from the Court, no indulgence much less discretion can be exercised in favour of the petitioner.

The Court further observed that it is settled position in law that where question of facts are involved and such disputed questions are of complex nature which for their determination will require elaborate evidences to be taken

into account such as oral statements etc., such writ petitions may not be appropriately tried under the writ jurisdiction. The title and possession claimed by the petitioner over the land in dispute cannot be decided in writ jurisdiction. Since the petitioner itself admits the respondents' possession over the land in dispute, the only remedy available to the petitioner is to approach to competent court of jurisdiction to institute the suit for possession and declaration of its alleged rights.

In the above matter Hon'ble Court, while dismissing the writ petition saddled Rs. 2,00,000/- (Rupees two lakhs) upon the petitioner, as an exemplary cost for suppressing the material facts and playing fraud upon the Court, with an order directing the petitioner to deposit the cost so imposed with the Uttarakhand State Legal Services Authority within one month from the date of order. In case of failure to deposit the amount, the said amount shall be recovered as arrears of land revenue.

ACTIVITIES OF SLSA FOR THE MONTH OF OCTOBER, 2020 TO DECEMBER, 2020

CELEBRATION OF “CONSTITUTION DAY” ON 26.11.2020



Preamble of the Constitution of India was deciphered at 11:00 AM by His Excellency, Hon'ble President of India and followed by the Member Secretary & Officer on Special Duty and other Officers & Employees of Uttarakhand SLSA, Nainital in the conference hall of UKSLSA, Nainital. Preamble of the Constitution of India had also been read out at 11:00 AM by all the District Legal Services Authorities, in the State of Uttarakhand.

UTTARAKHAND SLSA SCHEME-2020



A scheme, namely “**Uttarakhand State Legal Services Authority (Legal Services for Victims of Female Foeticide, Female Infanticide, Child Trafficking, Forced Marriages and Eradication of Forest Fire and Saving the Girl child) Scheme, 2020**” is being implemented in District-Bageshwar, as a Pilot Project. On the kind direction of Hon’ble Executive chairman, Uttarakhand SLSA, the sensitization programmes were conducted as per the scheme on 28.11.2020 and 29.11.2020 at Block Office-District-Bageshwar. In the said sensitization programmes, respected Member Secretary and Officer on Special Duty, Uttarakhand SLSA sensitized the Para Legal Volunteers, Panel Lawyers, ANMs, Aanganbadi Workers, Asha Workers and Gram Pradhans. During the sensitization programmes, the participants were apprised about the main objectives of the scheme and they were further sensitized regarding the ill-practises like female foeticide, female infanticide, child trafficking, earlier marriages and environmental issues.

During the programmes, respected Member Secretary, Uttarakhand SLSA apprised the participants that the information regarding the pregnancy with respect to their deliveries shall be shared by the ANMs, Aanganbadi workers and Asha workers to their controlling authority like District Coordinator etc. The Controlling Authority further shall share this information to the DLSA. The DLSA shall share this information with the SLSA. Appropriate action shall be taken in the suspicious cases, if found. During the sensitization programmes, training was imparted to the total 315 participants.

**DISTRIBUTION OF APPRECIATION CERTIFICATE BY HON'BLE
EXECUTIVE CHAIRMAN TO PLVS FOR THE SERVICES
RENDERED BY THEM DURING THE PENDEMIC, COVID-19**



An online certificate distribution programme was organized by Uttarakhand State Legal Services Authority, on 13.10.2020, in the Court premises. Total 146 PLVS were felicitated in the online programme by granting them Certificate of appreciation. Hon'ble Mr. Justice Ravi Malimath, Hon'ble Patron-in-Chief and Hon'ble Executive Chairman, Uttarakhand SLSA, Nainital has distributed the appreciation certificate to the PLVS for their remarkable work during COVID-19. Hon'ble Mr. Justice Sudhanshu Dhulia, graced the occasion with his benign presence.

TROPHY, PRIZE AND CERTIFICATE DISTRIBUTION THE WINNER AND PARTICIPANTS OF AN ONLINE DRAWING/POEM/ESSAY COMPETITION ORGANIZED BY SLISA ON THE OCCASION OF CONSTITUTIONAL DAY DURING THE PERIOD FROM 09.11.2020 TO 20.11.2020.



On 29.12.2020, a programme regarding distribution of Prize and Certificate to the winner candidates of **“Online Drawing/Poem/Essay Competition”** was organized by the Uttarakhand State Legal Services Authority at Hon’ble High Court Campus, Nainital. The aforesaid **“Online Drawing/Poem/Essay Competition”** was organized on the occasion of **“Constitution Day”** during the period from 09.11.2020 to 20.11.2020 on the topics **“Fundamental Duties and Citizen’s Duties”**. The main objective of the competition is to make aware the students about the Indian Constitution and Fundamental Duties.

In the Prize and certificate distribution programme, Trophy with Cash Prize alongwith certificate were given to the winner candidates Rs. 5,000/- for first prize, Rs. 3,000/- for second prize and Rs. 2,000/- for third prize were given as cash prize.

In the programme Hon’ble Mr. Justice Ravi Malimath, Hon’ble Patron-in-Chief & Hon’ble Executive Chairman, Uttarakhand SLISA, Nainital said that such awareness programmes are the vital need for the knowledge and development of children, so that

they can realize and understand the importance of National Unity Integrity, Harmony and Brotherhood.

The prize and certificates were distributed by the Hon'ble Mr. Justice Ravi Malimath, Hon'ble Patron-in-Chief & Hon'ble Executive Chairman, Uttarakhand SLSA, Nainital in the benign presence of Hon'ble Mr. Justice Lok Pal Singh, Judge, High Court of Uttarakhand.

Registrar General, Hon'ble High Court of Uttarakhand Sh. Dhananjay Chaturvedi, Member Secretary, Sh. R. K. Khulbey and Sh. Mohd. Yusuf, Officer on Special Duty, Uttarakhand SLSA including other Registrars of the Hon'ble High Court and Officials were also present in the said programme.

RELEASE OF PRISONERS AND LEGAL AID DURING LOCKDOWN DUE TO COVID-19 PANDEMIC

In compliance of the order dated 23.03.2020 passed by Hon'ble Supreme Court in **Suo Moto Writ Petition (C) No. 1/2020, In Re: Contagion of COVID-19 Virus in Prisons**, a High Powered Committee comprising of (1) Hon'ble Mr. Justice Sudhanshu Dhulia, Executive Chairman of Uttarakhand State Legal Services Authority; (ii) Principal Secretary (Home/Prison); and (iii) Director General of Prison was constituted to determine the class of prisoners who can be released on parole or on interim bail for such period as may be thought appropriate. An online meeting of Hon'ble High Powered Committee was held on 09.07.2020. The said meeting was chaired by the Hon'ble Mr. Justice Ravi Malimath, after taking charge of Hon'ble Executive Chairman of Uttarakhand State Legal Services Authority. On the basis of the recommendations issued by the Hon'ble High Powered Committee, a total number of **105** prisoners (**94** under-trials and **11** convicts) have been released from different jails of Uttarakhand on interim bail or parole.

Beside this, a video conference session was also held on 05.07.2020 wherein, all the DLSAs were directed to take all necessary steps so as to provide help in the form of food, shelter, health check-up, sanitization etc to the needy persons. In pursuance, the necessary legal aid and assistance was provided by the Legal Services Institutions to the needy people during the lockdown. Which is as under:-

**RELEASE OF PRISONERS AND LEGAL AID DURING LOCKDOWN DUE TO
COVID-19 PANDEMIC:-
FORM OCTOBER TO DECEMBER, 2020.**

District	Domestic Violence Act		Tenancy Disputes		Wages Disputes		Food	Money and Shelter	Travelling to home	Released		Children	Legal aid through rem and advocate	Total
	Reported Cases	Service Provided	Reported Cases	Service Provided	Reported Cases	Service Provided				UTP	Convict			
Almora	5	5	0	0	0	0	37	0	5	6	1	12	9	75
Bageshwar	3	3	0	0	0	0	13	0	1	0	0	0	0	17
Chamoli	4	4	0	0	0	0	0	0	0	3	0	2	4	13
Champawat	3	3	0	0	0	0	0	0	0	0	0	0	0	3
Dehradun	16	16	4	3	2	2	3	3	0	88	11	0	0	127
Haridwar	1	1	0	0	0	0	200	0	0	0	0	0	19	220
Nainital	14	14	2	1	0	0	102	4	9	0	0	0	34	165
Pauri Garhwal	19	19	0	0	0	0	7	0	0	14	3	0	17	60
Pithoragarh	2	2	0	0	0	0	0	0	0	0	0	0	14	16
Rudraprayag	1	1	0	0	0	0	80	0	0	1	0	0	0	82
Tehri Garhwal	2	2	1	1	0	0	77	1	0	0	0	0	6	87
U S Nagar	7	7	0	0	0	0	0	0	0	0	0	0	17	24
Uttarkashi	5	5	0	0	0	0	10	0	0	0	0	0	2	17
Total	82	82	07	05	02	02	529	08	15	112	15	14	122	906

STATISTICAL INFORMATION

**STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN
THE STATE OF UTTARAKHAND
DURING THE PERIOD FROM OCTOBER, 2020 TO DECEMBER, 2020**

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	327	169	63,45,983	-	169
02	BAGESHWER	03	290	117	42,16,314	-	117
03	CHAMOLI	03	260	110	23,53,900	-	110
04	CHAMPAWAT	03	190	144	7,83,350	-	144
05	DEHRADUN	03	3666	2091	2,65,27,705	-	2091
06	HARDWAR	03	8025	1573	2,36,37,109	-	1573
07	NAINITAL	03	4450	1050	2,62,01,794	-	1050
08	PAURI GARHWAL	03	1194	536	1,06,05,385	-	536
09	PITHORAGARH	03	450	43	7,15,400	-	43
10	RUDRAPARYAG	03	424	112	28,89,325	-	112
11	TEHRI GARHWAL	03	1632	447	62,61,825	-	447
12	UDHAM SINGH NAGAR	03	6249	1846	6,39,62,507	-	1846
13	UTTARKASHI	03	462	260	63,06,454	-	260
14	HCSLC, NAINITAL	01	94	10	49,76,000	-	10
15	UKSLSA,NTL	-	-	-	-	-	-
	TOTAL :-	40	27713	8508	18,57,83,051	-	8508

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED
IN THE STATE OF UTTARAKHAND
FOR THE
PERIOD COMMENCING FROM OCTOBER, 2020 TO DECEMBER, 2020**

S. No.	Name of District	No. of Camps Organized	Total No. of Persons Benefited in Camps
01	ALMORA	-	-
02	BAGESHWER	-	-
03	CHAMOLI	02	141
04	CHAMPAWAT	01	67
05	DEHRADUN	06	195
06	HARDWAR	24	1410
07	NAINITAL	-	-
08	PAURI GARHWAL	02	-
09	PITHORAGARH	18	462
10	RUDRAPARYAG	02	45
11	TEHRI GARHWAL	12	308
12	UDHAM SINGH NAGAR	04	222
13	UTTARKASHI	18	-
14	HCLSC, NAINITAL	-	-
15	UKSLSA, NAINITAL	-	-
	Total	89	2850

**STATEMENT SHOWING THE PROGRESS OF LEGAL AID AND
ADVICE/COUNSELING PROVIDED IN THE STATE OF UTTARAKHAND
FOR THE PERIOD COMMENCING FROM OCTOBER, 2020 TO
DECEMBER, 2020.**

S. No.	Name of District	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	12	01
02	BAGESHWER	08	-
03	CHAMOLI	07	03
04	CHAMPAWAT	03	-
05	DEHRADUN	86	-
06	HARDWAR	45	75
07	NAINITAL	45	11
08	PAURI GARHWAL	15	08
09	PITHORAGARH	02	-
10	RUDRAPARYAG	04	01
11	TEHRI GARHWAL	22	03
12	UDHAM SINGH NAGAR	125	51
13	UTTARKASHI	13	-
14	HCLSC, NAINITAL	50	-
15	U.K. S.L.S.A., N.T.L.	-	17
	TOTAL	437	170

TRAINING PROGRAMMES HELD IN THE MONTH OF OCTOBER TO DECEMBER, 2020

AT

UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL



Foundation Training Programme for Newly Appointed Civil Judge(Jr. Div.) 2018 Batch (IInd Phase) commencing from 01.10.2020 to 26.10.2020 and 40 hours Mediation Training Programme held from 21.10.2020 to 31.10.2020 for Civil Judge (JD) 2018



Foundation Training Programme for Newly Appointed Addl. District & Sessions Judge, HJS Cadre 2019 Batch (Direct Recruitment) held from 01.12.2020 to 31.01.2020



Reflective Training Programme for Civil Judges (Junior Division) 2016 Batch, held from 07.12.2020 to 21.12.2020.

INSTITUTION, DISPOSAL AND PENDENCY OF CASES**HIGH COURT OF UTTARAKHAND****(From 01.10.2020 to 31.12.2020)**

						Pendency (As on 01.10.2020)		
						Civil Cases	Criminal Cases	Total Pendency
						23022	14530	37552
Institution (01.10.2020 to 31.12.2020)			Disposal (01.10.2020 to 31.12.2020)			Pendency (As on 31.12.2020)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 31.12.2020
2614	2144	4758	2678	1709	4387	22958	14965	37923

DISTRICT COURTS
(From 01.10.2020 to 31.12.2020)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.12.2020
		Opening Balance as on 01.10.20	Institution from 01.10.20 to 31.12.20	Disposal from 01.10.20 to 31.12.20	Pendency at the end of 31.12.20	Opening Balance as on 01.10.20	Institution from 01.10.20 to 31.12.20	Disposal from 01.10.20 to 31.12.20	Pendency at the end of 31.12.20	
1.	Almora	346	98	72	372	1000	610	493	1117	1489
2.	Bageshwar	152	69	56	165	496	327	356	467	632
3.	Chamoli	307	80	36	351	1019	316	307	1028	1379
4.	Champawat	194	91	50	235	1576	688	696	1568	1803
5.	Dehradun	11920	1593	951	12562	79386	13856	11564	81678	94240
6.	Haridwar	10602	1174	556	11220	50558	10201	6309	54450	65670
7.	Nainital	2284	402	205	2481	17951	7197	5542	19606	22087
8.	Pauri Garhwal	1041	126	91	1076	4424	1389	1380	4433	5509
9.	Pithoragarh	485	81	27	539	2007	1026	877	2156	2695
10.	Rudraprayag	117	58	49	126	610	536	383	763	889
11.	Tehri Garhwal	395	81	72	404	2815	1312	1371	2756	3160
12.	Udham Singh Nagar	5194	493	222	5465	38856	8073	4828	42101	47566
13.	Uttarkashi	519	96	63	552	1509	795	625	1679	2231
	Total	33556	4442	2450	35548	202207	46326	34731	213802	249350

FAMILY COURTS**(From 01.10.2020 to 31.12.2020)**

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.12.2020
		Opening Balance as on 01.10.20	Institution from 01.10.20 to 31.12.20	Disposal from 01.10.20 to 31.12.20	Pendency at the end of 31.12.20	Opening Balance as on 01.10.20	Institution from 01.10.20 to 31.12.20	Disposal from 01.10.20 to 31.12.20	Pendency at the end of 31.12.2020	
1.	Almora	88	36	21	103	100	33	8	125	228
2.	Dehradun	1696	504	174	2026	986	288	96	1178	3204
3.	Rishikesh	328	60	21	367	254	37	0	291	658
4.	Vikasnagar	158	41	29	170	257	32	13	276	446
5.	Nainital	250	47	21	276	337	46	6	377	653
6.	Haldwani	565	120	60	625	804	91	17	878	1503
7.	Haridwar	872	152	40	984	909	136	17	1028	2012
8.	Roorkee	833	206	42	997	936	145	22	1059	2056
9.	Laksar	141	41	26	156	141	40	6	175	331
10.	Kotdwar	237	58	23	272	383	54	14	423	695
11.	Pauri Garhwal	90	24	11	103	127	37	12	152	255
12.	Tehri Garhwal	91	41	41	91	49	10	4	55	146
13.	U.S.Nagar	505	133	46	592	584	78	11	651	1243
14.	Kashipur	521	110	31	600	491	85	6	570	1170
15.	Khatima	204	56	35	225	243	56	5	294	519
	Total	6579	1629	621	7587	6601	1168	237	7532	15119

TRANSFER OF THE JUDICIAL OFFICERS

Sl. No.	Name & Designation of the Officer	Place of Transfer	Date of Order
1.	Sri Ashwani Gaur, 8 th Additional District & Sessions Judge, Dehradun.	7 th Additional District Judge, Dehradun.	01.10.2020
2.	Sri Tarun , direct recruit from the Bar of Uttarakhand Higher Judicial Service.	8 th Additional District and Sessions Judge, Dehradun.	01.10.2020
3.	Sri Madan Ram, Civil Judge, (Sr. Div.), Vikasnagar, District Dehradun	Chief Judicial Magistrate, Uttarkashi.	05-11-2020
4.	Sri Ramesh Singh, 1 st Additional Civil Judge (Sr. Div.), Dehradun.	Civil Judge (Sr. Div.), Vikasnagar, District Dehradun.	05-11-2020
5.	Sri Ambika Pant, Additional Director, Uttarakhand Judicial and Legal Academy Bhowali, District Nainital.	High Court of Uttarakhand, Nainital as Officer on Special Duty (O.S.D.) He shall not hand over the charge of the office of Additional Director, Uttarakhand Judicial and Legal Academy Bhowali, District Nainital.	28.11.2020
6.	Sri Anirudh Bhatt, ADJ (FTSC), POCSO, Dehradun.	High Court of Uttarakhand, Nainital as Officer on Special Duty (O.S.D.) He shall not hand over the charge of the office of ADJ (FTSC), POCSO, Dehradun.	28.11.2020
7.	Sri Manoj Garbyal, Registrar (Computer), High Court of Uttarakhand, Nainital.	7 th Additional District and Sessions Judge, Dehradun.	03.12.2020
8.	Sri Sujeet Kumar, Registrar (Protocol), High Court of Uttarakhand, Nainital.	Judge, Family Court, Kotdwar, District Pauri Garhwal.	03.12.2020
9.	Sri Ambika Pant, Additional Director, Uttarakhand Judicial and Legal Academy Bhowali, District Nainital	Registrar (Computer), High Court of Uttarakhand, Nainital.	03.12.2020

10.	Sri Anirudh Bhatt, ADJ (FTSC), POCSO, Dehradun.	Registrar (Protocol), High Court of Uttarakhand, Nainital.	03.12.2020
11.	Sri Ashiwini Gaur, 7th Additional District and Sessions Judge, Dehradun.	ADJ (FTSC), POCSO, Dehradun.	03.12.2020
12.	Sri G.K. Sharma, Director Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.	District & Sessions Judge, Pithoragarh	22.12.2020
13.	Sri C.P. Bijalwan, Presiding Officer, Food Safety Appellate Tribunal, Dehradun.	District and Sessions Judge, Bageshwar	22.12.2020
14.	Sri Rajendra Joshi, District and Sessions Judge, Pithoragarh.	District and Sessions Judge, Nainital.	22.12.2020.
15.	Sri Nitin Sharma, Presiding Officer, Labour Court, Kashipur, District Udham Singh Nagar.	Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.	22.12.2020
16.	Sri Dhananjay Chaturvedi, District and Sessions Judge, Bageshwar.	Registrar General, High Court of Uttarakhand, Nainital.	22.12.2020
17.	Sri Vinod Kumar, 1 st Additional District & Sessions Judge, Nainital.	1 st Additional District & Sessions Judge, Kashipur, District Udham Singh Nagar.	29.12.2020
18.	Ms. Pritu Sharma, 1 st Additional District & Sessions Judge, Kashipur, District Udham Singh Nagar.	1 st Additional District & Sessions Judge, Nainital.	29.12.2020

NOTIFICATIONS

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 225/UHC/Stationery /2020

Dated: October 01, 2020.

The Hon'ble High Court of Uttarakhand has been pleased to close the registry on 03-10-2020 & 17-10-2020 (both Saturdays) for sanitization of whole of the High Court premises with further direction that in the event of any contingency/urgent work, concerned officers and staff may be called.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 229/UHC/Admin. A /2020

Dated: October 28, 2020.

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling in that behalf, the Hon'ble Court has been pleased to make the following amendments in Allahabad High Court Rules, 1952 as applicable to High Court of Uttarakhand under Uttar Pradesh Reorganization Act, 2000 (hereinafter referred to as 'Rules of the Court):

- (A) In clause (c) of rule 7 of Chapter IX of the Rules of the Court, the words '***and the name of the Presiding Officer by whom***' and the '***comma***' inserted thereafter, is deleted.
- (B) In clause (c) of sub-rule (1) of rule 3 of Chapter XVIII of the Rules of the Court, the words

'and the name of presiding officer of such Court' are deleted.

This amendment shall come into force with immediate effect.

By order of the Hon'ble Court,

HIGH COURT OF UTTARAKHAND, NAINITAL
NOTIFICATION

No.238 /UHC/Stationery/2020

Dated: November 05 , 2020

The Hon'ble High Court of Uttarakhand has been pleased to declare 09/11/2020 and 10/11/2020 (Monday & Tuesday) as holidays, for the High Court of Uttarakhand. In lieu thereof, 28/11/2020 and 05/12/2020 (Both Saturdays) shall be the Court Working days, for the High Court of Uttarakhand.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND AT NAINITAL
NOTIFICATION

No. 260/UHC/Admin. A /2020

Dated: December 10, 2020.

High Court of Uttarakhand Video Conferencing Rules-2020

Preface

Whereas it is expedient to consolidate, unify and streamline the procedure relating to use of video conferencing for Courts; and

In exercise of its powers under Articles 225 and 227 of the Constitution of India, the High Court of Uttarakhand (with the approval of Government of Uttarakhand vide letter no. 344/XXXVI-A-1/2020-342/2020 dated 26.11.2020) makes the following Rules:

Chapter I – Preliminary

1. Short title and commencement-

- (i) These Rules shall be called the "High Court of Uttarakhand Video Conferencing Rules 2020".
- (ii) These Rules shall apply to such courts or proceedings or classes of courts or proceedings and on and from such date as the High Court may notify in this behalf.

2. Definitions

In these Rules, unless the context otherwise requires:

- (i) "Advocate" means and includes an advocate entered in any roll maintained under the provisions of the Advocates Act, 1961 and shall also include government pleaders/advocates and officers of the department of prosecution.
- (ii) "Commissioner" means a person appointed as commissioner under the provisions of Code of Civil Procedure, 1908, or the Code of Criminal Procedure, 1973 or any other law in force.
- (iii) "Coordinator" means a person nominated as coordinator under Rule 5.
- (iv) "Court" includes a physical court and a virtual Court or tribunal.
- (v) "Court Point" means the courtroom or one or more places where the Court is physically convened, or the place where a Commissioner or an inquiring officer holds proceedings pursuant to the directions of the Court.
- (vi) "Court User" means a user participating in court proceedings through video conferencing at a Court Point.
- (vii) "Designated Video Conferencing Software" means software provided by the High Court from time to time to conduct video conferencing.
- (viii) "Exceptional circumstances" include illustratively a pandemic, natural calamities, circumstances implicating law and order and matters relating to the safety of the accused and witnesses.
- (ix) "Remote Point" is a place where any person or persons are required to be present or appear through a video link.
- (x) "Remote User" means a user participating in court proceedings through video conferencing at a Remote Point.
- (xi) "Required Person" includes:
 - a. the person who is to be examined; or

- b. the person in whose presence certain proceedings are to be recorded or conducted; or
- c. an Advocate or a party in person who intends to examine a witness; or
- d. any person who is required to make submissions before the Court; or
- e. any other person who is permitted by the Court to appear through video conferencing

(xii) “Virtual Court” means and includes a Court conducted by way of Video Conferencing.

(xii) “Video Conferencing” means and includes a conference conducted through live link.

(xiii) "Live Link" means and includes a live television link, audio-video electronic means or other arrangements whereby a witness, a required person or any other person permitted to remain present, while physically absent from the Courtroom is nevertheless virtually present in the Courtroom by remote communication using technology to give evidence and be cross-examined.

(xiv) “Rules” shall mean these Rules for Video Conferencing for Courts and any reference to a Rule, Sub-Rule or Schedule shall be a reference to a Rule, Sub-Rule or Schedule of these Rules.

Chapter II - General Principles

3. General Principles Governing Video Conferencing

- (i) Video conferencing facilities may be used at all stages of judicial proceedings and proceedings conducted by the Court.
- (ii) All proceedings conducted by a Court by way of video conferencing shall be judicial proceedings and all the courtesies and protocols applicable to a physical court shall apply to these virtual proceedings.
- (iii) All relevant statutory provisions applicable to judicial proceedings including provisions of the CPC, CrPC, Contempt of Courts Act, 1971, Indian Evidence Act, 1872 (abbreviated hereafter as the Evidence Act), Oaths Act, 1969 and Information Technology Act, 2000 (abbreviated hereafter as the IT Act), shall apply to proceedings conducted by video conferencing.
- (iv) Subject to maintaining independence, impartiality and credibility of judicial proceedings and subject to such directions as the High Court may issue, Courts may adopt such technological advances as may become available from time to time.
- (v) The Rules as applicable to a Court shall mutatis mutandis apply to a Commissioner appointed by the Court to record evidence and to an inquiry officer conducting an inquiry.
- (vi) There shall be no unauthorised recording of the proceedings by any person or entity

- (vii) The person defined in Rule 2(xi) shall provide identity proof as recognised by the Government of India/State Government/Union Territory to the Court point coordinator via personal email. In case identity proof is not readily available the person concerned shall furnish the following personal details: name, parentage and permanent address, as also, temporary address if any.

4. **Facilities recommended for Video Conferencing**

The following equipment is recommended for conducting proceedings by video conferencing at the Court Point and at the Remote Point:

- (i) Desktop, Laptop, mobile devices with internet connectivity and printer;
- (ii) Device ensuring uninterrupted power supply;
- (iii) Camera;
- (iv) Microphones and speakers;
- (v) Display unit;
- (vi) Document visualizer;
- (vii) Provision of a firewall;
- (viii) Adequate seating arrangements ensuring privacy;
- (ix) Adequate lighting; and
- (x) Availability of a quiet and secure space

5. **Preparatory Arrangements**

- 5.1. There shall be a Coordinator both at the Court Point and at the Remote Point. However, Coordinator may be required at the Remote Point only when a witness or an accused is to be examined.
- 5.2. In the civil and criminal Courts falling within the purview of the district judiciary, persons nominated by the High Court or the concerned District Judge, shall perform the functions of Coordinators at the Court Point as well as the Remote Point as provided in Rule 5.3.
- 5.3 The Coordinator at the Remote Point may be any of the following:

Sub Rule	Where the Advocate or Required Person is at the following Remote Point:-	The Remote Point Coordinator shall be:-
5.3.1	Overseas	An official of an Indian Consulate / the relevant Indian Embassy / the relevant High Commission of India.
5.3.2	Court of another state or union territory within the territory of India.	Any authorized official nominated by the concerned District Judge.

5.3.3	Mediation Centre or office of District Legal Services Authority (including Taluka Legal Services Committee).	Any authorized official nominated by the Chairperson or Secretary of the concerned District Legal Services Authority.
5.3.4	Jail or prison	The concerned Jail Superintendent or Officer in-charge of the prison.
5.3.5	Hospitals administered by the Central Government, the State Government or local bodies.	Medical Superintendent or an official authorized by them or the person in charge of the said hospital.
5.3.6	Observation Home, Special Home, Children's Home, Shelter Home, or any institution referred to as a child facility (collectively referred to as child facilities) and where the Required Person is a juvenile or a child or a person who is an inmate of such child facility.	The Superintendent or Officer in charge of that child facility or an official authorized by them.
5.3.7	Women's Rescue Homes, Protection Homes, Shelter Homes, Nari Niketans or any institution referred to as a women's facility (collectively referred to as women's facilities).	The Superintendent or Officers In-charge of the women's facility or an official authorized by them.
5.3.8	In custody, care or employment of any other government office, organization or institution (collectively referred to as institutional facilities).	The Superintendent or Officers in-charge of the institutional facility or an official authorized by them.
5.3.9	Forensic Science Lab	The Administrative officer in-charge or their nominee.
5.3.10	In case of any other location	The concerned Court may appoint any person deemed fit and proper who is ready and willing to render their services as a Coordinator to ensure that the proceedings are conducted in a fair, impartial and independent manner and according to the directions issued by the Court in that behalf.

- 5.4 When a Required Person is at any of the Remote Points mentioned in Sub Rules 5.3 and video conferencing facilities are not available at any of these places the concerned Court will formally request the District Judge, in whose jurisdiction the Remote Point is situated to appoint a Coordinator for and to provide a video conferencing facility from proximate and suitable Court premises.

- 5.5 The Coordinators at both the Court Point and Remote Point shall ensure that the recommended requirements set out in Rule 4 are complied with, so that the proceedings are conducted seamlessly.
- 5.6 The Coordinator at the Remote Point shall ensure that:
- 5.6.1. All Advocates and/or Required Persons scheduled to appear in a particular proceeding are ready at the Remote Point designated for video conferencing at least 30 minutes before the scheduled time.
- 5.6.2 No unauthorised recording device is used.
- 5.6.3 No unauthorised person enters the video conference room when the video conference is in progress.
- 5.6.4 The person being examined is not prompted, tutored, coaxed, induced or coerced in any manner by any person and that the person being examined does not refer to any document, script or device without the permission of the concerned Court during the course of examination.
- 5.6.5 At the end of the proceedings, the coordinator at the Remote Point shall give a certificate that the proceedings were conducted in accordance with these rules. The certificate shall be sent to the coordinator at the Court Point through email immediately after the proceedings and a hard copy of it duly signed by the coordinator at the remote point shall be sent to the Court Point within 24 hours.
- 5.7 Where the witness to be examined through video conferencing requires or if it is otherwise expedient to do so, the Court shall give sufficient notice in advance, setting out the schedule of video conferencing and in appropriate cases may transmit non- editable digital scanned copies of all or any part of the record of the proceedings to the official email account of the Coordinator of the concerned Remote Point designated in accordance with Rule 5.3.
- 5.8 Subject to the provisions for examination of witnesses contained in the Evidence Act, before the examination of the witness, the documents, if any, sought to be relied upon by any party shall be transmitted by such party to the witness, so that the witness acquires familiarity with the said documents, such party will file an acknowledgment with the Court in this behalf.
- 5.9 Before the scheduled video conferencing date, the Coordinator at the Court Point shall ensure that the Coordinator at the Remote Point receives documents certified copies, printouts or a soft copy of the non-editable scanned copies of all or any part of the record of proceedings which may be required for recording statements or evidence, or for reference. However, these shall be permitted to be used by the Required Person only with the permission of the Court.
- 5.10 Whenever required the Court shall order the Coordinator at the Remote Point or at the Court Point to provide –
- 5.10.1 A translator in case the person to be examined is not conversant with the official language of the Court.

- 5.10.2 An expert in sign languages in case the person to be examined is impaired in speech and/or hearing.
- 5.10.3 An interpreter or a special educator, as the case may be, in case a person to be examined is differently abled, either temporarily or permanently.

Chapter III - Procedure for Video Conferencing

6. Application for Appearance, Evidence and Submission by Video Conferencing:

- 6.1 Any party to the proceeding or witness, save and except where proceedings are initiated at the instance of the Court, may move a request for video conferencing. A party or witness seeking a video conferencing proceeding shall do so by making a request in the form prescribed in Schedule I.
- 6.2 Any proposal to move a request to for video conferencing should first be discussed with the other party or parties to the proceeding, except where it is not possible or inappropriate, for example in cases such as urgent applications.
- 6.3 On receipt of such a request and upon hearing all concerned persons, the Court will pass an appropriate order after ascertaining that the application is not filed with an intention to impede a fair trial or to delay the proceedings.
- 6.4 While allowing a request for video conferencing, the Court may also fix the schedule for convening the video conferencing.
- 6.5. In case the video conferencing event is convened for making oral submissions, the order may require the Advocate or party in person to submit written arguments and precedents, if any, in advance on the official email ID of the concerned Court.

7. Service of Summons

- 7.1 Summons issued to a witness who is to be examined through video conferencing, shall mention the date, time and venue of the concerned Remote Point and shall direct the witness to attend in person along with proof of identity or an affidavit to that effect. The existing rules regarding service of summons and the consequences for non-attendance, as provided in the CPC and CrPC shall apply with respect to service of summons for proceedings conducted by video conferencing.
- 7.2 If a person is examined with reference to a particular document then the summons to witness must be accompanied by a duly certified photocopy of the document. The original document should be exhibited at the Court Point in accordance with the deposition of the concerned person being examined.

8. Examination of persons

- 8.1 Any person being examined, including a witness shall, before being examined through video conferencing, produce and file proof of identity by submitting an identity document issued or duly recognized by the Government of India, State Government, Union Territory, or in the absence of such a document, an affidavit attested by any of the authorities referred to in Section 139 of the CPC or Section 297 of the CrPC, as the case may be. The affidavit will inter alia state that the person, who is shown to be the party to the proceedings or as a witness, is the same person, who is to depose at the video conferencing. A copy of the proof of identity or affidavit, as the case may be, will be made available to the opposite party.
- 8.2 The person being examined will ordinarily be examined during the working hours of the concerned Court or at such time as the Court may deem fit.
- 8.3 Where an accused is to be examined through video conferencing. The Court shall provide him adequate opportunity to consult in privacy with their counsel before, during and after the video conferencing.
- 8.4 The Court shall obtain the signature of the person being examined on the transcript once the examination is concluded. The signed transcript will form part of the record of the judicial proceedings. The signature on the transcript of the person being examined shall be obtained in either of the following ways:
- 8.4.1 If digital signatures are available at both the concerned Court Point and Remote Point, the soft copy of the transcript digitally signed by the presiding Judge at the Court Point shall be sent by the official e-mail to the Remote Point where a print out of the same will be taken and signed by the person examined. A scanned copy of the transcript digitally signed by the Coordinator at the Remote Point would be transmitted by official email of the Court Point. The hard copy of the signed transcript will be dispatched, preferably within three days by the Coordinator at the Remote Point to the Court Point by recognised courier/registered speed post.
- 8.4.2 If digital signatures are not available, the printout of the transcript shall be signed by the presiding Judge and the representative of the parties, if any, at the Court Point and shall be sent in non-editable scanned format to the official email account of the Remote Point, where a printout of the same will be taken and signed by the person examined and countersigned by the Coordinator at the Remote Point. A non-editable scanned format of the transcript so signed shall be sent by the Coordinator of the Remote Point to the official email account of the Court Point, where a print out of the same will be taken and shall be made a part of the judicial record. The hard copy would also be dispatched preferably within three days by the Coordinator at the Remote Point to the Court Point by recognised courier/registered speed post.

- 8.5 An audio-visual recording of the examination of person examined shall be preserved. An encrypted master copy with hash value and its algorithm/software shall be retained as a part of the record.
- 8.6 The Court may, at the request of a person to be examined, or on its own motion, taking into account the best interests of the person to be examined, direct appropriate measures to protect the privacy of the person examined bearing in mind aspects such as age, gender, physical condition and recognized customs and practices.
- 8.7 The Coordinator at the Remote Point shall ensure that no person is present at the Remote Point, save and except the person being examined and those whose presence is deemed administratively necessary by the Coordinator for the proceedings to continue.
- 8.8** The Court may also impose such other conditions as are necessary in a given set of facts for effective recording of the examination (especially to ensure compliance with Rule 5.6.4).
- 8.9 Where a Required Person is not capable of reaching the Court Point or the Remote Point due to sickness or physical infirmity, or presence of the required person cannot be secured without undue delay or expense, the Court may authorize the conduct of video conferencing from the place at which such person is located. In such circumstances the Court may direct the use of portable video conferencing systems.

Authority in this behalf may be given to the concerned Coordinator and/or any person deemed fit by the Court.

- 8.10 Subject to such orders as the Court may pass, in case any party or person authorized by the party is desirous of being physically present at the Remote Point at the time of recording of the testimony, such a party shall make its own arrangement for appearance /representation at the Remote Point.

9. Exhibiting or Showing Documents to Witness or Accused at a Remote Point

If in the course of examination of a person at a Remote Point by video conferencing, it is necessary to show a document to the person, the Court may permit the document to be shown in the following manner:

- 9.1 If the document is at the Court Point, by transmitting a copy or image of the document to the Remote Point electronically, including through a document visualizer; or
- 9.2 If the document is at the Remote Point, by putting it to the person and transmitting a copy/image of the same to the Court Point electronically including through a document visualizer. The hard copy of the document counter signed by the witness

and the Coordinator at the Remote Point shall be dispatched thereafter to the Court Point via authorized courier/registered speed post.

10. Ensuring seamless video conferencing

- 10.1 The Advocate or Required Person, shall address the Court by video conferencing from a specified Remote Point on the date and time specified in the order issued by the Court. The presence of the coordinator will not be necessary at the Remote point where arguments are to be addressed by an advocate or party in person before the Court.
- 10.2 If the proceedings are carried out from any of the Remote Point(s) (in situations described in Rules 5.3.1 to 5.3.9) the Coordinator at such Remote Point shall ensure compliance of all technical requirements. However, if the proceedings are conducted from a Remote Point falling in the situation contemplated under Rule 5.3.10, such as an Advocate's office, the Coordinator at the Court Point shall ensure compliance of all technical requirements for conducting video conferencing at both the Court Point and the Remote Point.
- 10.3 The Coordinator at the Court Point shall be in contact with the concerned Advocate or the Required Person and guide them in regard to the fulfilment of technical and other requirements for executing a successful hearing through video conferencing. Any problems faced by such Remote Users shall be resolved by the Court Point Coordinator. The Court Point Coordinator shall inter alia share the link of the video conferencing hearing with such Remote Users.
- 10.4 The Coordinator at the Court Point shall ensure that any document or audio-visual files, emailed by the Remote User, are duly received at the Court Point.
- 10.5 The Coordinator at the Court Point shall also conduct a trial video conferencing, preferably 30 minutes prior to scheduled video conferencing in order to ensure that all the technical systems are in working condition at both the Court Point and the Remote Point.
- 10.6 At the scheduled time, the Coordinator at the Court Point shall connect the Remote User to the Court.
- 10.7 On completion of the video conferencing proceeding, the Court shall mention in the order sheet the time and duration of the proceeding, the software used (in case the software used is not the Designated Video Conferencing Software), the issue(s) on which the Court was addressed and the documents if any that were produced and transmitted online. In case a digital recording is tendered, the Court shall record its duration in the order sheet along with all other requisite details.
- 10.8 The Court shall also record its satisfaction as to clarity, sound and connectivity for both Court Users and Remote Users.

- 10.9 On the completion of video conferencing, if a Remote User is of the opinion that they were prejudiced due to poor video and/or audio quality, the Remote User shall immediately inform the Coordinator at the Court Point, who shall in turn, communicate this information to the Court without any delay. The Court shall consider the grievance and if it finds substance in the grievance may declare the hearing to be incomplete and the parties may be asked to re-connect or make a physical appearance in Court.
- 11. Judicial remand, framing of charge, examination of accused and Proceedings under Section 164 of the CrPC**
- 11.1 The Court may, at its discretion, authorize detention of an accused, frame charges in a criminal trial by video conferencing. However, ordinarily judicial remand in the first instance or police remand shall not be granted through video conferencing save and except in exceptional circumstances for reasons to be recorded in writing.
- 11.2 The Court may, in exceptional circumstances, for reasons to be recorded in writing, examine a witness or an accused under Section 164 of the CrPC or record the statement of the accused under Section 313 CrPC through video conferencing, while observing all due precautions to ensure that the witness or the accused as the case may be is free of any form of coercion, threat or undue influence.

Chapter IV - General Procedure

12. General procedure

- 12.1 The procedure set out hereafter in this chapter is without prejudice to the procedure indicated elsewhere in these Rules qua specific instances in which proceedings are conducted via video conferencing.
- 12.2 The Coordinator at the Court Point shall ensure that video conferencing is conducted only through a Designated Video Conferencing Software. However, in the event of a technical glitch during a given proceeding, the concerned Court may for reasons to be recorded permit the use of a software other than the Designated Video Conferencing Software for video conferencing in that particular proceeding.
- 12.3 The identity of the person to be examined shall be confirmed by the Court with the assistance of the Coordinator at the Remote Point in accordance with Rule 8.1, at the time of recording of the evidence and the same must be reflected in the order sheet of the Court.
- 12.4 In civil cases, parties requesting for recording statements of the person to be examined by video conferencing shall confirm to the Court, the location of the person, the willingness of such person to be examined through video conferencing and the availability of technical facilities for video conferencing

at the agreed upon time and place.

- 12.5 In criminal cases, where the person to be examined is a prosecution witness or a Court witness, or where a person to be examined is a defence witness, the counsel for the prosecution or defence counsel, as the case maybe, shall confirm to the Court the location of the person, willingness to be examined by video conferencing and the time, place and technical facility for such video conferencing.
- 12.6 In case the person to be examined is an accused, the prosecution will confirm the location of the accused at the Remote Point.
- 12.7 If the accused is in custody and not present at the Court Point, the Court will order a multi-point video conference between itself, the witness and the accused in custody to facilitate recording of the statement of the witness (including medical or other expert). The Court shall ensure that the defence of the accused is not prejudiced in any manner and that the safeguards contained in Rule 8.3 are observed.
- 12.8 The Coordinator at the Remote Point shall be paid such amount as honorarium as may be directed by the Court in consultation with the parties.

13. Costs of Video Conferencing

In the absence of rules prescribed by the concerned Court, the Court may take into consideration following circumstances when determining and/or apportioning the costs of video conferencing:

- 13.1 In criminal cases, the expenses of the video conferencing facility including expenses involved in preparing soft copies / certified copies of the Court record and transmitting the same to the Coordinator at the Remote Point and the fee payable to translator / interpreter / special educator, as the case may be, as also the fee payable to the Coordinator at the Remote Point, shall be done by such party as directed by the Court..
- 13.2 In civil cases, generally, the party making the request for recording evidence, through video conferencing shall bear the expenses.
- 13.3 Besides the above, the Court may also make an order as to expenses as it considers appropriate, taking into account rules / instructions regarding payment of expenses to the complainant and witnesses, as may be prevalent from time to time.
- 13.4 It shall be open to the Court to waive the costs as warranted in a given situation.

14. Conduct of Proceedings

- 14.1 Before the commencement of video conferencing all participants, shall have their presence recorded. However, in case a participant is desirous that their face or name be masked, information to that effect will be furnished to the Court Point Coordinator prior to the commencement of the proceeding.
- 14.2 The Court Point Coordinator shall send the link / Meeting ID / Room Details via the email Id / mobile number furnished by the Advocate or Required Person or other participant permitted to be virtually present by the Court. Once the proceedings have commenced, no other persons will be permitted to participate in the virtual hearing, save and except with the permission of the Court.
- 14.3 The participants, after joining the hearing shall remain in the virtual lobby if available, until they are admitted to virtual hearing by the Coordinator at the Court Point.
- 14.4 Participation in the proceedings shall constitute consent by the participants to the proceedings being recorded by video conferencing.
- 14.5 Establishment and disconnection of links between the Court Point and the Remote Point would be regulated by orders of the Court.
- 14.6 The Court shall satisfy itself that the Advocate, Required Person or any other participant that the Court deems necessary at the Remote Point or the Court Point can be seen and heard clearly and can clearly see and hear the Court.
- 14.7 To ensure that video conferencing is conducted seamlessly, the difficulties, if any, experienced in connectivity must be brought to the notice of the Court at the earliest on the official email address and mobile number of the Court Point Coordinator which has been furnished to the participant before the commencement of the virtual hearing. No complaint shall subsequently be entertained.
- 14.8 Wherever any proceeding is carried out by the Court under these Rules by taking recourse to video conferencing, this shall specifically be mentioned in the order sheet.

15. Access to Legal Aid Clinics/Camps/Lok Adalats/Jail Adalats

In conformity with the provisions of the Legal Services Authorities Act, 1987 and the laws in force, proceedings related to Legal Aid Clinics, Camps, Lok Adalats or Jail Adalats, may also be conducted by way of Video Conferencing.

16. Allowing persons who are not parties to the case to view the proceedings

In order to observe the requirement of an open Court proceeding, members of the public will be allowed to view Court hearings conducted through video conferencing, except proceedings conducted in-camera. The Court shall endeavour to make available sufficient links (consistent with available bandwidth) for accessing the proceedings.

Chapter V – Miscellaneous**17. Reference to Words and Expressions**

Words and expressions used and not defined in these Rules shall have the same meaning as assigned to them in the CPC, the CrPC, Evidence Act, IT Act, and the General Clauses Act, 1897.

18. Power to Relax

The High Court may if satisfied that the operation of any Rule is causing undue hardship, by an order dispense with or relax the requirements of that Rule to such extent and subject to such conditions, as may be stipulated to deal with the case in a just and equitable manner.

19. Residual Provisions

Matters, with respect to which no express provision has been made in these Rules, shall be decided by the Court consistent with the interests of justice.

This amendment will come into force with immediate effect.

By order of Hon'ble the Court,

SCHEDULE I

Request Form for Video Conference

1. Case Number / CNR Number (if any)
2. Cause Title
3. Proposed Date of conference (DD/MM/YYYY):_
4. Location of the Court Point(s):_
5. Location of the Remote Point(s):_
6. Names & Designation of the Participants at the Remote Point: _
7. Reasons for Video Conferencing:

In the matter of:Nature of Proceedings: Final Hearing Motion Hearing Others

I have read and understood the provisions of High Court of Uttarakhand Video Conferencing Rules, 2020. I undertake to remain bound by the same to the extent applicable to me. I agree to pay video conferencing charges if so, directed by the Court.

Signature of the applicant/authorised signatory:

Date:

For use of the Registry / Court Point Coordinator**A) Bench assigned:****B) Hearing:**

Held on

(DD/MM/YYYY):

Commencement Time:

End time:

Number of hours:

C) Costs:

Overseas transmission charges if any:

To be Incurred by Applicant /Respondent:

To be shared equally:

Waived; as ordered by the Court:

Signature of the authorised officer:

Date:

Sd/-

Registrar General

HIGH COURT OF UTTARAKHAND AT NAINITAL
NOTIFICATION

No.261/UHC/Admin. A/2020**Dated: December 10, 2020.**

In exercise of the powers conferred by Article 227 of the Constitution of India and all other powers enabling in that behalf, the High Court of Uttarakhand (with the approval of Government of Uttarakhand vide letter no. 348/XXXVI-A-1/2020-345/2020 dated 02.12.2020) makes the following Rules:

The High Court of Uttarakhand Inspection of Subordinate Courts
(by the Administrative Judge) Rules, 2020

Title	1	These rules may be called “The Uttarakhand Inspection of Subordinate Courts (by the Administrative Judge) Rules, 2020.
Commencement	2	These Rules shall come into force with immediate effect.
Definitions	3	<p>In these rules, unless the context otherwise requires:-</p> <p>(i) ‘Administrative Judge’ means the Administrative Judge of the concerned District, as designated by the Chief Justice.</p> <p>(ii) ‘Chief Justice’ means the Chief Justice of the High Court of Uttarakhand.</p> <p>(iii) ‘District Judge’ means Principal District Judge.</p> <p>(iv) ‘Family Court Judge’ means Principal Judge/ Judge Family Court.</p> <p>(v) ‘High Court’ means High Court of Uttarakhand at Nainital.</p> <p>(vi) ‘Prescribed’ means prescribed by these rules.</p> <p>(vii) ‘Presiding Officer’ means the Judicial Officer presiding over a Subordinate Court.</p> <p>(viii) ‘Proforma’ means proforma prescribed under these Rules.</p> <p>(ix) ‘Registrar’ means the Registrar General of the High Court and includes the Registrar (Inspection).</p>
Schedule of Inspection	4	<p>(a) Inspection of Subordinate Courts shall be the matter of Inspection Section of the High Court.</p> <p>(b) Process for inspection shall be initiated by the Inspection Section of the Court, on the directions of the Administrative Judge of the concerned District.</p> <p>(c) The Schedule of inspection as recommended by the Administrative Judge, shall be placed before the Chief Justice for approval. After approval, Schedule of Inspection shall be communicated to all concerned well in advance.</p> <p>(d) The Inspection programme would be communicated to the</p>

		<p>District Judge Concerned at least three weeks prior to the date of inspection.</p> <p>(e) The statement will be prepared in duplicate before the inspection and will be sent to the High Court.</p> <p>(f) Inspection team will reach the concerned District One day prior to the Inspection or at such time as directed by the Administrative Judge concerned</p>
Inspection	5	<p>(a) Every Subordinate Court shall be inspected by the Administrative Judge concerned every year. However, surprise inspection may be carried out at anytime. Ordinarily one day shall be devoted for the Inspection of at least 05 Courts. Administrative Judge may visit the Judgeship same day or on the last day of the Inspection. Separate dates may be fixed for the Inspection of outlying Courts, if any.</p> <p>(b) Inspection, except the surprise Inspection shall be comprehensive and shall include all the aspects of Judicial as well as administrative work of concerned Judgeship. It shall also include checking and verification of cash-in-hand lying in the Subordinate Court.</p>
Inspection Notes	6	<p>(a) The inspection Team shall prepare notes of relevant points indicated during inspection.</p> <p>(b) Thereafter, the Inspection team shall prepare a draft inspection note, as per prescribed proforma, wherein,</p>
		<p>all the points noticed during inspection shall be included for perusal of the Administrative Judge.</p> <p>(c) On the visit of the Administrative Judge, the in-charge of Inspection team shall place the draft inspection note before the Administrative Judge for perusal and directions.</p>
Inspection by the Administrative Judge	7	<p>All the matters pertaining to the Inspection of Subordinate Courts shall be dealt under these Rules, subject to the discretion of the Administrative Judge and shall include as under :-</p> <p>(a) In order to form opinion and make observations regarding functioning of Subordinate Courts on Judicial and</p>

		<p>Administrative side and to ascertain problems, if any, the Administrative Judge may visit the Court premises, its Offices and interact with the Presiding Officer, the staff, the representative of the Bar Association, the litigants and members of the general public.</p> <p>(b) Inspection Team will prepare notes after verifying each and every register and point out the defects and omissions and bring the same to the notice of the Presiding Officer concerned to enable him to issue instructions to the staff to rectify the defects and to furnish the compliance report.</p>
Inspection Report	8	<p>(a) The inspection report shall be prepared in accordance with the prescribed proforma and shall include the guidelines or instructions, if any, issued during inspection and shall be submitted to the Administrative Judge, for approval.</p> <p>(b) On perusal by the Administrative Judge, the Inspection report along-with the gist report shall be placed before the Chief Justice, for perusal and directions.</p> <p>(c) The defects and deficiencies, if any, identified during inspection, shall be conveyed to the Presiding Officer of the concerned Subordinate Court for rectification and compliance through District Judge.</p>
Procedure for compliance	9	<p>(a) On receipt of the communication from the High Court under Rule-8(c), the Presiding Officer of the Subordinate Court concerned, shall take appropriate steps for removal and rectification of the defects and deficiencies and compliance of the guidelines and instructions issued thereunder.</p> <p>(b) The compliance report shall be submitted to the Court Registrar General, within 30 days from the receipt of the communication from the High Court duly forwarded by the concerned District Judge.</p> <p>(c) On receipt of the compliance report and the comments, under clause (b), the Registrar Inspection shall place the same before the Administrative Judge, for perusal and further</p>

		directions, if any.
Residuary Powers	10	Nothing in these Rules shall be deemed to affect the 'powers' of the High Court to make such orders from time to time as it may deem fit, in giving to any of the provision of these Rules.

By order of Hon'ble the Court,

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No.279/UHC/Admin. A /2020

Dated: December 26, 2020.

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling it in that behalf, the High Court of Uttarakhand, hereby makes the following Rules, for regulating the practice and procedure for Conduct of Proceedings by a Party-in-Person, before the High Court of Uttarakhand, Nainital:

The High Court of Uttarakhand Party-in-Person Rules, 2020

PRELIMINARY

- 1. Short Title:-** These Rules shall be called as ‘**The High Court of Uttarakhand, Party-in- Person Rules, 2020**’.
- 2. Commencement:-** These Rules come into force from the date of their publication in the Official Gazette.
- 3. Definitions:-** In these, Rules, unless the context otherwise requires.
 - (1) “**High Court**” means the High Court of Uttarakhand.
 - (2) “**Party-in-Person Committee**” means the Committee as constituted under Rule 4 by the Hon’ble Chief Justice of Uttarakhand.
 - (3) “**Party-in-Person**” means and includes a person, who intends to file, plead, appear and argue their own case before the High Court and not through an Advocate, and subject to these Rules, may include a next friend in specified circumstances.
- 4. No permission without a certificate:-** No party shall be entitled to file, plead, appear or argue its own case in-person, until and unless a certificate in terms of the provisions of these rules, is issued in favour of such a party or upon a permission granted by the court concerned.
- 5. Composition of Party-in-Person Committee:-** The Party-in-Person Committee shall

consists of two Officers of the Registry of the High Court, to be nominated by Hon'ble the Chief Justice of Uttarakhand.

6. Presentations of proceedings in-person by parties:-

(a) The presentation of any matter or proceeding by the Party-in-person shall be made by such person personally, before the filing counter of the High Court. The procedure which governs the filing of matters by Advocates shall apply to filing of matters by the party-in- person (except filing of Vakalatnama).

(b) Apart from the case papers, a party-in-person is required to submit at least one, photo proof of identity with full address, such as Aadhar Card, Bank Pass Book with Photo, PAN Card, Driving Licence, Passport, Recent Colour Photo Identity Card or Voter Identity Card along with mobile number and e-mail ID.

7. Application for permission to appear in-person:- Whenever a party wishes to appear and argue the case in-person, then along with the main petition, such a party shall also file an application duly attested by an Oath Commissioner or a Notary seeking permission to appear in-person, as prescribed in Form-A. The application shall indicate the reasons as to why such a party cannot or does not want to engage an Advocate and wants to appear and argue in-person. Such a party shall furnish an undertaking, that even after the grant of permission to appear in-person, if the Court appoints an Advocate as an Amicus Curiae for whatever reason, the party-in-person shall accept such an appointment by the Court unconditionally.

8. Preliminary Verification:- Such an application along with the main petition referred in Rule 7 above, shall be verified by the Party-in-Person Committee.

9. Scrutiny of papers filed by party in-person:- The papers presented by the party-in-person in the filing counter, shall be scrutinized by the concerned Scrutiny section within one week thereof. After scrutiny of the papers, the party-in-person shall be required to appear before the Party-in-Person Committee on the specified date and time, which would be intimated through e-mail/sms. The concerned Scrutiny section shall place the petitions/ applications or objections and all other relevant papers before the Party-in-Person Committee at-least two days prior to the date fixed. The Party-in-Person Committee *inter alia* shall guide the party-in-person about the mannerisms, language etc. to be used in

the Court and the decorum of the Court to be maintained.

10. Proceedings of the Party-in-Person Committee:-

(a) The Party-in-Person Committee shall scrutinize the matter/ proceedings filed by the party-in-person, so as to ensure that the party-in-person has complied with the Rules of the High Court for the time being *in force* and that the party-in-person has not made any objectionable averments/allegations and has not used and undertakes not to use or speak unparliamentary language in the proceedings and matters of a like nature, in the Court or Office.

(b) The Party-in-Person Committee shall interact with the party-in-person and furnish its opinion by way of an office report, as to whether the party-in-person will be able to give necessary assistance to the Court for disposal of the matter or that any Advocate may be appointed as an Amicus Curiae. The Party-in-Person Committee, may direct the party, to delete, amend or modify any part of the pleadings/ averments, which are objectionable. Failure to comply with such directions, shall disentitle the party-in-person from obtaining the required certificate.

(c) If the Party-in-Person Committee is of the opinion, that the party seeking permission to appear in-person is not competent to appear in-person as mentioned above and a Certificate is not issued as per these Rules, the Party-in-Person Committee may refer such a party to the High Court Legal Services Committee for offering legal services.

(d) If such party is not entitled under law to get assistance from the High Court Legal Services Committee, the party may be asked to appoint a lawyer or a *Pro Bono* Advocate may be appointed for the party.

(e) In the event, it is certified that the party is competent to assist the Court in-person, the party-in-person shall give an undertaking, as prescribed in Form-B, for maintaining the decorum of the Court and not to use or express objectionable and unparliamentary language or behaviour during the course of hearing in the Court or in the Court premises or in the further pleadings and shall further undertake that on failure to abide by the undertaking, contempt proceedings may be initiated against such party-in-person and appropriate costs or security deposit condition may be imposed and that such a party-in-person may not be allowed to appear in any further case as a party-in-person for such period as the Court may deem fit. The Court may also dismiss the proceedings initiated by such party-in-person on

any such ill-behaviour of the party-in-person or may pass such any order, as it may deem fit.

(f) In case a party, who wishes to defend his matter/ proceedings in-person as respondent/opponent, the Court may direct such a party to appear before the Party-in-Person Committee and it shall ensure, certify and direct him to follow the procedure prescribed in the above referred Rules.

(g) On the compliance of the provisions of these rules, the Party-in-Person Committee shall issue a certificate, as specified in Form 'C', permitting the party (applicant) to argue the case in-person, and subject to such further orders that the court may pass at the stage of such proceedings.

(h) A party, who has been permitted to appear and argue the matter in-person before the Court, shall be intimated about the date fixed in the matter through e-mail/sms, as intimated to the Advocates and particulars of such party-in-person shall be entered by the Registry of the High Court in the list maintained for this purpose.

11. Grant of Certificate in successive petition:- On filing of successive petitions by such a party, to whom, Party-in-Person Committee has examined at an earlier occasion and has found that such a party has been granted a certificate to appear, and there is no other inference by the Court, before which, such a party has earlier appeared as a party-in-person, it may not be necessary for the Party-in-Person Committee to undertake the entire procedure. After scrutinizing the petition filed by such a party-in-person, a certificate to appear as a party-in-person in a successive matter, may be granted, or for reasons to be recorded, the Committee may insist on complying these rules.

12. Rules not to apply for bail, parole, furlough and habeas corpus Petitions:- These Rules shall not apply in the case of applications for bail, temporary/transit bail, parole, furlough and habeas corpus petitions.

13. Discretion of Court to permit a litigant or other person to appear in-person:- Notwithstanding anything contained in these Rules, the concerned Court before which the matter lies, may, in its discretion, permit a party to appear and conduct the proceedings in court, in-person or may direct such a party to appear before the Party-in-Person Committee.

14. Rules not to apply to Pending Matters:- Subject to any direction of the Court, before which, any matter is pending, these rules shall not apply to pending matters in the High Court

15. Interpretation:- If any question arises relating to the interpretation of any of the provision of these rules, the question shall be referred to the Chief Justice, whose decision thereon shall be final.

By order of Hon'ble the Court,

FORM-A

APPLICATION FOR PERMISSION TO APPEAR IN-PERSON

[See Rule 7]

(To be duly attested by the Oath Commissioner/Notary)

I, Sri/Smt./Mr./Ms.....S/o /D/o /W/o
..... Residing at hereby submits an
application under Rule 7 of The High Court of Uttarakhand, Party-In-Person Rules,
2020 to appear as a party-in-person representing myself in the following case. (Give
particulars of case).

2. I wish to appear as a party-in-person due to the following reasons: (Submit
reasons in brief)

3. In case, the Hon’ble Court appoints an Advocate to act as Amicus Curiae or an
Advocate is appointed from the list of *Pro Bono* Advocates or legal-aid is provided
through High Court Legal Services Committee on the basis of eligibility as per rules,
I accept the same unconditionally.

4. Hence, I may be permitted to appear in-person.

Place:

Signature

Date:

(applicant)

FORM-B

UNDERTAKING

(To be duly attested by the Oath Commissioner/Notary) [See Rule 10 (e)]

I, Sri/Smt./Mr./Ms....., party-in-person, do hereby solemnly affirm and state on Oath as follows:-

That I shall maintain the dignity and decorum of the Court and shall not use or express objectionable and unparliamentary language or behaviour during the course of hearing in the Court or in the Court premises or in the further pleadings & proceedings.

2. Further, if I fail to abide by the above, the Court may dismiss the proceedings filed by me and may pass such further adverse orders and may proceed against me in accordance with these Rules or any other applicable law.

Place:

SIGNATURE

Date:

PARTY-IN-PERSON

Enclosure: Proof of Identity
Proof of Address

FORM-C**CERTIFICATE**

[See Rule 10(g)]

In exercise of the powers conferred by Rule 10 of the High Court of Uttarakhand, Party-in-Person Rules, 2020, the Party-in-Person Committee, hereby grants permission to the (applicant's name) to appear as a party-in-person in Case No..... before the High Court of Uttarakhand, subject to the provisions of the said Rules.

Place:

Date:

COMMITTEE MEMBERS

HIGH COURT OF UTTARAKHAND AT NAINITAL
NOTIFICATION

No. 285/UHC/Admin. A /2020**Dated: December 29, 2020.**

In exercise of the powers conferred by Article 225 of the Constitution of India and all other powers enabling in that behalf, Hon'ble the Court has been pleased to make the following amendment in Allahabad High Court Rules, 1952 as applicable to High Court of Uttarakhand under Uttar Pradesh Reorganization Act, 2000:-

Rule No.	Existing Rule	Amendment Rules
10(1) of Chapter V	(1) Criminal work shall continue to be dealt with during the vacation by such Judges as may be appointed for the purpose by the Chief Justice.	(1) Criminal work shall continue to be dealt with during the vacation by such Judges as may be appointed for the

		purpose by the Chief Justice.
	<p>They may also exercise original, appellate, revisional, civil or writ jurisdiction vested in the Court in fresh matters which in their opinion require immediate attention.</p> <p>Such jurisdiction may be exercised even in cases which are under the Rules cognizable by two or more Judges, unless the case is required by any other law to be heard by more than one Judge.</p>	<p>They may also exercise original, appellate, revisional, civil or writ jurisdiction vested in the Court in fresh and pending matters which in their opinion require immediate attention.</p> <p>Such jurisdiction may be exercised even in cases which are under the Rules cognizable by two or more Judges, unless the case is required by any other law to be heard by more than one Judge.</p> <p>Provided that, whenever, it appears that any matter should be heard by a Bench of more than one Judge during the vacation, such Bench may be constituted by the Chief Justice</p>

By order of Hon'ble the Court,

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

No. 290/UHC/Admin.B/2020 Dated 31.12.2020

Sub: Mode of Filing and Filing Time on Saturdays

In exercise of powers conferred by section 57 of the High Court of Uttarakhand General Rules, 2020, Hon'ble the Acting Chief Justice is pleased to issue following directions with regard to mode of filing and filing time on Saturdays-

1. The filing time in the Hon'ble Court on Saturdays, when Registry is closed for half day, shall be 10:00 A.M. to 11:00 A.M.
2. Till the further orders, all cases including petitions, memorandum of appeals, applications, affidavits, vakalatnama or any other material shall continue to be filed through drop boxes and be processed accordingly.

By Orders of Hon'ble the Acting Chief Justice

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 292/UHC/Admin.(A)/2020

Dated: December 31, 2020.

In exercise of the powers conferred by Article 225 of the Constitution of India and all the other powers enabling in that behalf, the High Court of Uttarakhand hereby makes the following rules for the purpose of case filing, their processing, listing and matters connected thereto.

HIGH COURT OF UTTARAKHAND RULES, 2020

PART I

PRELIMINARY

- 1. Short title and commencement-** (1) These rules shall be called “**High Court of Uttarakhand Rules, 2020**”.
- (2) These rules shall apply to all matters including petitions, memorandum of appeals, applications, affidavits, annexures, vakalatnama or any other material filed before the Court.
- (3) They shall come into force from date of their Notification.
- 2. Interpretation-** In these rules, unless the context otherwise requires-
 - (a) ‘Advocate’ means an advocate and includes a party-in-person.
 - (b) ‘Chief Justice’ means the Chief Justice of the Court.
 - (c) ‘Court’ means the High Court of Uttarakhand.
 - (d) ‘Defect’ means a report of the Registry that a matter including a petition, memorandum of appeal, application, affidavit, annexure, vakalatnama or any other material filed in the Court does not conform to any law, rule, order or instructions applicable to their filing.
 - (e) ‘Defective matter’ means a matter in which defect has been reported by the Registry.
 - (f) ‘Fresh case’ means a fresh petition, memorandum of appeal, application *etc.* to which a new case registration number with the CNR number is allotted.
 - (g) ‘Judge’ means a Judge of the Court.
 - (h) ‘Pending case’ for the purpose of these rules means any case which already has a case registration number and includes a matter already disposed of by the Court.
 - (i) ‘Registrar (Judicial)’ includes such other officer of the Court, as may be deputed for the purpose of these rules by the Chief Justice.
 - (j) ‘Registry’ means Registry of the Court.

- (k) 'Rules' mean the High Court of Uttarakhand Rules, 2020.
- (l) 'Schedule' means the schedule to these rules.

PART II

PAPER SIZE, FONT TYPE AND FONT SIZE ETC.

- 3. Provisions to apply in all cases-** The provisions of this part shall apply to all matters relating to filing of all cases, whether they are fresh or pending.
- 4. Paper size and thickness-** All cases including petitions, memorandum of appeals, applications, affidavits, annexures, vakalatnama or any other material shall be filed in A-4 size 80 GSM white paper.
- 5. Use of both sides of paper-** All cases including petitions, memorandum of appeals, applications, affidavits, annexures, vakalatnama or any other material shall be type written on both sides of the paper with following side margins -
 - (A) Top margin two centimetre.
 - (B) Bottom margin two centimetre.
 - (C) Left margin four centimetre.
 - (D) Right margin four centimetre.
- 6. Font type and size-** All cases including petitions, memorandum of appeals, applications, affidavits, vakalatnama or any other material shall be type written in New Times Roman font with font size 16 with 1.5 line spacing. For the headings, font size shall be 18 in the Times New Roman Font.
- 7.** The provisions of rule 6 above shall also apply to type written copies of the annexures *etc.*
- 8.** All petitions, memorandum of appeals, applications or any other material, shall be signed at the foot of every page by the petitioner, appellant, applicant, as the case may be, or by the advocate appearing on his behalf.
- 9.** Every affidavit presented in the Court shall be signed on every page by the deponent and shall be dated.

- 10.** All the annexures filed by the petitioner, appellant, applicant, as the case may be, alongwith the petition, memorandum of appeal, application, affidavit, supplementary affidavit, rejoinder affidavit *etc.*, shall be consecutively numbered as 1, 2, 3 and so on.
- 11.** All the annexures filed by the respondent or opposite party alongwith counter affidavit, supplementary counter affidavit or application *etc.* shall be so consecutively numbered in case of their being filed by the first respondent or opposite party as A-1, A-2, A-3 and so on, and in case of their being filed by the second respondent or opposite party as B-1, B-2, B-3 and so on.

PART III

FILING IN FRESH CASES

- 12.** All fresh cases shall be accompanied with a duly filled up Presentation Form, format of which is prescribed in the schedule as 'Format No. 1'.
- 13.** The Presentation Form shall be the first and cover page of all papers presented for fresh case filing.
- 14.** Presentation Form shall be filled up by advocates preferably by type writing. They shall put their signatures at the place earmarked for that purpose in the said Form.
- 15.** Every Presentation Form shall be filed in the manner that on its overleaf, it has a printed format for scrutiny report of the Registry, which is prescribed in the schedule as 'Format No. 2'.
- 16.** All fresh cases including petitions, memorandum of appeals, applications *etc.* shall be accompanied with an index of all papers presented for case filing.
- 17.** The index shall be in the format as given in the schedule as 'Format No. 3'.
- 18.** Entries in first five columns of the index shall be filled up by advocates by type writing. Case registration number, CNR number and entries in the last column of the index shall be filled up by Registry.
- 19.** The index shall be prepared and filed in such manner that at least ten rows, next to the last row filled up by the advocates, are also drawn and left blank for future use of Registry. For this purpose also, both sides of papers shall be used.

20. The rows left blank for Registry shall be drawn in such manner that they have space to make entries requiring in five lines.

21. Advocates shall affix their signatures at the bottom of every page of the index, which contains entries filled up by them. At the bottom of the last page of the index, they shall affix their signatures with their particulars in the following manner-

*Certified that entries in serial number 1 to serial number..... of this Index
have been filled up by me*

*Signature
(Full Name of the Advocate) Bar
Council Registration No)*

22. Registry shall display specimens of duly filled up Presentation Form and Index *etc.*, prepared as per these rules, in the official website of the Court for general guidance.

23. The Presentation Form, index, receipt of court fee and brief details of date and events of the case *etc.* shall be filed in following chronological order-

- (A) Presentation Form with blank format for scrutiny report on its overleaf.
- (B) Index.
- (C) Receipt of court fees paid.
- (D) Brief details of date and events of the case.

(D) Other papers, if any, prior to the Petition, Memorandum of Appeal, Application *etc.*

24. Petition, Memorandum of Appeal, Application *etc.* shall be filed in following chronological order-

- (A) Petition, Memorandum of Appeal, Application, as the case may be, with or without annexures.
- (B) Affidavit in support of the Petition, Memorandum of Appeal, Application, as the case may be, with or without annexures.
- (C) Interlocutory Application, if any.

- (D) Affidavit in support of the Interlocutory Application, if any.
- (E) Vakalatnama.
- (F) Other papers, if any.

- 25.** Page numbering in numerals in international form shall begin from the Petitions, Memorandum of Appeals, and Applications *etc.*
- 26.** All papers prior to the Petitions, Memorandum of Appeals, Applications *etc.*, such as Presentation Form, index, receipt of court fee and brief details of date and events of the case *etc.*, shall be paginated in English alphabets in capital and in their alphabetical order such as A, B, C and so on.
- 27.** Where index, receipt of court fees, brief details of date and events of the case *etc.* are in more than one page, they shall be paginated in following manner-
- (A) A/1, A/2, A/3 and so on
B/1, B/2, B/3, B/4 and so on.

PART IV

FILING IN PENDING CASES

- 28.** Applications, affidavits or other material in the pending cases shall be filed with index of the papers.
- 29.** The index shall be filed in the format given in the schedule as 'Format No. 4'.
- 30.** The page numbering in the applications, affidavits or other material filed in the pending cases shall be done at the right corner of the bottom of the pages.

PART V

FILING TIME AND PLACE

- 31.** Filing for all the purpose in the Court shall be from 10:00 A.M. to 1:30 P.M. or as directed by the Registrar General or Registrar (Judicial) of the Court.

- 32.** Fresh cases, applications or any other paper requiring registration shall be presented in the filing counter.
- 33.** Counter affidavits, rejoinder affidavits, supplementary affidavits, vakalatnama and other material in the pending cases, not requiring registration, shall be filed in the Judicial Section of the Registry dealing with the matter.

PART VI

REPORTING OF DEFECTS ETC.

- 34.** In fresh cases, Registry shall report the defects in writing, and shall mention them at the space fixed for the same, as prescribed under these rules.
- 35.** Defects in Applications, counter affidavits, rejoinder affidavits, supplementary affidavits, vakalatnama and other material filed in pending cases shall be reported on overleaf of the index.
- 36.** Where more than one defect is reported, they shall be mentioned by giving separate number.
- 37.** Where a defect is reported, same shall be communicated to the advocate on the same day in any of the following manner-
- (A) By e-mail service, where e-mail address has been given by the advocate
 - (B) By publication in the notice board
 - (C) Any other manner, as may be directed by the Chief Justice.
- 38.** Where more than one defect is reported, all of them shall be communicated.
- 39.** Where a defect is reported in any counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or any other material presented in the Judicial Section of the Registry under rule 33 above, such counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or other material may be returned to the person, who have presented the same, for the re- presentation after removal of defect.

- 40.** Where a counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or any other material is returned under rule 39 above, entries to that effect shall be made in Register maintained in the section.

PART VII

REMOVAL OF DEFECTS ETC.

- 41.** Except in cases where a counter affidavit, rejoinder affidavit, supplementary affidavit, vakalatnama or any other material is returned under rule 39 above, all defective matters shall be listed on the following day of the filing before the Registrar (Judicial) for which a cause list shall be published.
- 42.** Where the Registrar (Judicial) is of the opinion that the defect reported by the Registry does not hold good, he may overrule the defect by his written endorsement to that effect.
- 43.** Where the Registrar (Judicial) has overruled the defect and no defect survives, he shall order for listing of the case before the Court.
- 44.** Where the Registrar (Judicial) is of the opinion that the defect reported by Registry holds good and the defect is not removed, he may grant a reasonable time for removal of the defect.
- 45.** The Registrar (Judicial) may extend the time as given under rule 44 above.
- 46.** Save as otherwise provided in these rules, no defective matter shall be listed before the Court.
- 47.** A defective matter may be listed before the Court in any of the following circumstance-
- (A) Where defect is of such a nature that the order of the Court is necessary for the defect.
 - (B) Where on being mentioned, Court orders that the matter be listed as defective.

PART VIII

OUT OF TURN LISTING OF CASES

- 48.** An Advocate, desirous of out of turn listing of a fresh or pending case for urgent hearing, may make an oral mention before the Bench concerned by way of a Mention

Memo, the format of which given in the schedule as 'Format No. 5'

- 49.** No application for urgent hearing will be entertained by the Registry. Such an application, when presented in the Registry, shall be returned to person presenting the same.
- 50.** The Advocate shall give Mention Memo to the Bench Secretary concerned.
- 51.** Urgency shall be mentioned at 10:15 A.M. or such other time, as may be fixed by the Court.
- 52.** When the urgency is mentioned, Bench Secretary shall place the Mention Memo before the Court for consideration for the listing of the case.
- 53.** Where, the Court orders for out of turn listing of a case for urgent hearing, the Bench Secretary shall send the Mention Memo under his signature immediately to the Institution Section for listing of the case, as per the orders of the Court.
- 54.** Bench Secretaries shall maintain records of all the Mention Memo received by them and the orders passed thereon.
- 55.** A matter shall be listed on the basis of a Mention Memo only if it is issued under the authority of-
- (A) The Bench having the Roster of the case, including the Bench having the roster on leave of a Judge.
- (B) The Bench to which the cases is nominated/assigned.
- (C) The Chief Justice, in any case, including mentioning in relation to matters mentioned in clause (A) to (B) above.

PART IX

DEVIATION FROM RULES ETC.

- 56.** In any exceptional situation arising from natural calamity, disaster, pandemic or in any other extraordinary circumstance, the Chief Justice may order for deviation from these rules.

57. The Chief Justice may pass such orders consistent with the rules, as he may deem fit and appropriate, for giving effect to these rules and for their effective implementation.

PART X

REPEAL AND SAVINGS

58. All previous rules and orders on the subject to which these rules apply, are hereby repealed, provided that notwithstanding such repeal, nothing in these rules shall affect the matters already being dealt with in accordance with the rules and orders so repealed.

59. The Provisions of the Allahabad High Court Rules, 1952 (as applicable to High Court of Uttarakhand) shall continue to apply to all such matters, which are not covered under these rules.

By order of Hon'ble the Court,

**SCHEDULE TO THE RULES
FORMAT NO 1**

**HIGH COURT OF UTTARAKHAND AT
NAINITAL**

PRESENTATION FORM

(To be filled up by the Party/Advocate)

1. Case Category.....

2. District.....

3. Titled as.....

4. Name of Advocate(s) with Bar Council Registration Numbers,
Contact Numbers, e-mail addresses etc.

.....

5. Contact Numbers, e-mail addresses of Petitioner/Appellant/Applicant
etc.....

6. Copies served on whom.....

7. Mode of service.....

8. Date of the service.....

9. Any other information.....

Signature

(Name of the Advocate)

Date:

Place:

**Note: Times New Roman Font Size 14 may be used to contain the Presentation Form in
single page.**

**SCHEDULE TO THE RULES
FORMAT NO 2**

**HIGH COURT OF UTTARAKHAND AT NAINITAL
SCRUTINY REPORT**

- 1. Filed on.....
- 2. Case No..... 3. CNR Number.....
- 4. Court Fees Paid and if sufficient.....
- 5. If No, Deficiency of.....
- 6. Limitation Began on.....Expired on.....
- 7. If barred by Limitation, there is delay of.....days.
- 8. If Delay Condonation Application is filed.....
- 9. If any Caveat has been filed.....
- 10. If Yes by.....
- 10. Caveator served/not served.....
- 11. Notice served on Opposite Party on
- 12. This is.....
- 13. Defects, if any-
 - (1).....
 - (2).....
 - (3).....
 - (4).....

14. Remarks, if any.....

A.R.O./R.O./S.O.

S.O./A.R.(Stamp Reporting)

S.O./A.R.(Defects Scrutiny)

D.R.(Institution)

Note: Times New Roman Font Size 14 may be used to contain the Presentation Form in single page.

SCHEDULE TO THE RULES**FORMAT NO 3****HIGH COURT OF UTTARAKHAND AT
NAINITAL****INDEX IN**

CASE No..... CNR No.....

Between ABC Kumar And CDE Kumar

Sl. No.	Description of Paper	Page No.	Date of Filing	Court Fees Paid	Part A/B
1.	Presentation Form				
2.	Scrutiny Report				
3.	Index				
4.	Receipt of Court Fees Paid				
5.	Brief Details of Date and Events of the Case.				
6.	Petition, Memorandum of Appeal, Application, as the case may be				

7.	Affidavit in support of Petition, Memorandum of Appeal, Application as the case may be				
8.	Annexure No. 1 with brief details.				
9.	Annexure No. 2 with brief details and so on				
10.	Interlocutory Application				
11.	Affidavit in Support of the Interlocutory Application.				
12	Vakalatnama				
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					

Entries from Serial No. 1 to Serial No. 11 have been filled up by me.

Signature

Date:

(Name of Advocate)

Note:

- 1. Entries in this Index are for only for illustrations.**
- 2. Case No. and CNR No. will be filled up by Registry**
- 3. At the time of case filing, entries in first five columns will be filled up by advocates/parties.**
- 4. The index be prepared in such a manner that at least ten rows next to the last row filled up by the advocates/parties, be also drawn and left blank for future use of Registry.**
- 5. The rows left blank for Registry shall be drawn in such manner that they have space to make entries requiring in five lines.**
- 6. Times New Roman Font Size 14 may be used for this Index.**

**SCHEDULE TO THE RULES
FORMAT NO 4**

**HIGH COURT OF UTTARAKHAND AT
NAINITAL
INDEX IN**

**Interlocutory Application for Stay Vacation In
Second Appeal No. 123 of 2020**

Between

ABC KumarAppellant

And

CDE KumarRespondent

Sl. No.	Particulars	Page No.
1	Application for Stay Vacation	
2	Affidavit	
3	Annexure No 1 to the Affidavit (with brief details of the annexure)	
4	Annexure No 2 to the Affidavit (with brief details of the annexure)	

Signature

Date:

(Name of Advocate)

Note Entries in this Index are for only for illustrations

**SCHEDULE TO THE RULES
FORMAT NO 5
HIGH COURT OF UTTARAKHAND AT NAINITAL
Mention Memo**

PART A

(To be filled up by the Advocate)

- 1. Case No : _____
- 2. Case title : _____
- 3. Date of filing of the case : _____
(in fresh institution)
- 4. If any date has already : been fixed by the Court
(in pending case)
- 5. Reasons for the urgency, with purpose of listing, in brief

.....

Date.....

Place.....

Advocate)

Signature
(Name of the

PART B

(To be filled up by the Bench Secretary)

Mentioned on.....before the Court

No.....

By the Advocate

for.....

Orders of the Hon'ble

Court.....

Signature
(Bench Secretary)

Note: Times New Roman Font Size 14 may be used to contain the Presentation Form in single page

HIGH COURT OF UTTARAKHAND AT NAINITAL

NOTIFICATION

No. 293/UHC/Admin.A/2020

Dated: December 31, 2020.

Sub: Relaxation for Use of Legal Size 80 GSM Papers

Keeping in view the existing stock of papers with the advocates and its rational use, in exercise of powers conferred by section 57 of the High Court of Uttarakhand General Rules, 2020, Hon'ble the Acting Chief Justice is pleased to issue following relaxation for use of legal size 80 GSM papers for all kind of filing in the Hon'ble Court-

1. As per rule 4 of the High Court of Uttarakhand Rules, 2020, all cases including petitions, memorandum of appeals, applications, affidavits, annexure, vakalatnama or any other material shall be filed in A4 size 80 GSM white paper.
2. However, for utilization of the existing stock of papers with the advocates, they may also use in alternative, legal size 80 GSM white papers for the aforesaid purpose, till 20.02.2021.
3. While using the legal size 80 GSM white papers as above, other provisions of the High Court of Uttarakhand Rules, 2020 like use of both sides of the paper, selection of font type and font size etc., as prescribed therein be mandatorily followed.

By Orders of Hon'ble the Acting Chief Justice

CIRCULARS

From,

Hira Singh Bonal,
H.J.S.
Registrar General,
High Court of Uttarakhand,
Nainital.

To,

- 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 and Parliamentary Affairs, Govt. of Uttarakhand, Dehradun.
 4. Secretary, Law-cum-L.R, Govt. of Uttarakhand, Dehradun.
 5. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
 6. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, near Rinku Medicos, Dehradun.
 7. Director, Uttarakhand Judicial and Legal Academy, Bhowali, District Nainital.
 8. Legal Advisor to Hon'ble Governor, Uttarakhand, Raj Bahwan, Dehradun.
 9. Secretary, Lokayukt, 3/3 Industrial Area, Patel Nagar, Dehradun.
 10. Registrar, State Consumer Redressal Commission, Uttarakhand, H. No. 176, Azabpur Kala near Spring Hill School, Mothrowala Road, Dehradun- 248415.
 11. Member- Secretary, Uttarakhand State Legal Services Authority, Nainital.
 12. Presiding Officer, Labour Courts, Dehradun, Hardwar & 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, District Dehradun.
 16. Chairman, Cooperative Tribunal, Dehradun.
 17. Registrar-cum-Secretary, State Police Complaint Authority, Dehradun.
 18. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
 19. Addl. Secretary, Law, Uttarakhand Public Service Commission, Haridwar.

C. L. No. 13/UHC/Admin.A/2020 Dated: October 13th, 2020.

Subject: Regarding statement of movable & immovable property by the staff.

Sir,

In continuation of earlier Circular letters No. 10 dated 14.08.2020 & 12 dated 10.09.2020, with regard to the subject noted above, I am directed to inform that Hon'ble Court has been pleased to

C. L. No. 13 /UHC/Admin.A/2020
Dated: October 13th, 2020.

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issue following directions with regard to the submission of statements of movable & immovable property by the Judicial Officers and the staff:

- (i)** Statements of movable & immovable properties submitted by the staff of subordinate courts are not to be sent to the Hon'ble High Court.
- (ii)** These statements are to be scrutinized sincerely & properly.
- (iii)** MIP file of each staff be separately prepared, in which, statement of each year will be kept.
- (iv)** Proper indexing in each file be maintained.
- (v)** It shall be ensured that every staff has submitted complete details of his/her movable & immovable properties.
- (vi)** Movable properties of previous years (prior to 2019-2020) need not be submitted, except of those of higher values, for which, permission of the competent authority is required prior to purchase or information is required after purchase and of possessing diamond, gold, silver etc.
- (vii)** Movable properties purchased in the year 2019-2020 beyond Rs. 10,000/- is required to be shown in the statement without any receipt, of Rs. 50,000/- & beyond, is required to be informed immediately after the purchase along with the receipt and proof of source of fund and also to be mentioned in the statement with a submission that information of said purchase already submitted.
- (viii)** Details of immovable property irrespective of the year of acquisition, is to be mentioned in the statement of each year in the relevant column, with the submission that when the permission to acquire the same was taken and the sources of management of funds.

C. L. No. 13 /UHC/Admin.A/2020
Dated: October 13th, 2020.

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- (ix)** Details of investments and savings, loan taken etc. are to be clearly mentioned. Period of loan, EMI(s) and amount of repayment along with interest, amount deposited in the concerned heads, like, PPF, Mutual Funds, LIC etc. for investment/savings are to be clearly specified. On closing of the loan account, statement of loan account would have to be submitted.
- (x)** The officer scrutinizing the same, will take into consideration, total income of the officer/official in the period under consideration and deduct all deductions, investment, savings, purchases etc. made under the same period and then assess, whether reasonable amount was left with the officer/official for his/her house-hold expenses. For this purpose, balance available in bank accounts on the last cut-off date shall also be taken into consideration and net income of period under consideration will be added in it, then all investments/ savings/ expenditure shown/ repayment of loan/ balance in bank accounts on the last date of period under consideration will be deducted.
- (xi)** If there are other sources of income also, apart from salary, proof of such sources shall have to be submitted.
- (xii)** Income of spouse shall have to be mentioned and if the spouse is in government service, MIP statement submitted by him/her to his/her department, shall be required to be enclosed. If spouse is in private service/business etc., his/her income shall have to be mentioned and copy of Income Tax Return has to be filed.
- (xiii)** While assessing purchase of immovable property, it shall be scrutinized whether valid sources have been used in purchasing

C. L. No. 13 /UHC/Admin.A/2020
Dated: October 13th, 2020.

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the same and the property has been purchased/acquired after obtaining permission from the competent authority, if not, appropriate disciplinary proceedings shall be initiated.

- (xiv)** In case, any officer/official do not disclose all the requisite particulars specifically, as sought by the scrutinizing authority, he/she shall not be considered for grant of A.C.P./promotion etc., till the time, he/she do not furnish all the details and the matter is closed.
- (xv)** After scrutiny, appropriate action shall be taken by the competent authority in such matters, where it is found that things are not cleared and there is strong possibility that officer/official is indulged in corrupt practices.
- (xvi)** Complete report in this regard, shall be submitted to the Hon'ble Court, so that, matter may be examined by the Vigilance Cell of the Hon'ble Court and in appropriate cases, inquiry as to disproportionate assets may be initiated.
- (xvii)** It shall be the utmost responsibility of the concerned District Judges/Principal Judge/Judges, Family Courts and the officer scrutinizing the statements that all the statements have been objectively scrutinized, as mentioned aforesaid. Any deviation in the said responsibility shall be viewed seriously.
- (xviii)** Inspection Section of the Hon'ble Court shall ensure checking of aforesaid aspect, while conducting the inspection of the Subordinate Courts.

Aforesaid directions of the Hon'ble Court are being communicated for information, circulation amongst all concerned and strict compliance.
