



सत्यमेव जयते

UTTARAKHAND COURT NEWS

(A Quarterly Court Magazine)

Vol.-XI Issue No.-II (April-June, 2020)



EDITORIAL BOARD

Hon'ble Mr. Justice Ravi Malimath

Hon'ble Mr. Justice Sudhanshu Dhulia

Hon'ble Mr. Justice Alok Kumar Verma

COMPILED BY

H.S. Bonal, Registrar General, High Court of Uttarakhand

A quarterly newsletter published by High Court of Uttarakhand, Nainital



Hon'ble Mr. Justice Ramesh Ranganathan
(Chief Justice)



Hon'ble Mr. Justice Ravi Malimath



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



Hon'ble Mr. Justice Ramesh Chandra
Khulbe



Hon'ble Mr. Justice Ravindra Maithani



Hon'ble Mr. Justice Alok Kumar
Verma

CONTENTS

❖	Hon'ble Judges of Uttarakhand High Court.	5
❖	Transfers & Promotions of Judicial Officers.	6-9
❖	Circulars & Notifications.	10-55
❖	Institution, Disposal & Pendency of cases in the High Court.	56
❖	Institution, Disposal & Pendency of cases in the District Courts.	57
❖	Institution, Disposal & Pendency of cases in the Family Courts.	58
❖	Disposal during COVID-19 (Corona virus) in the High Court.	59
❖	Disposal during COVID-19 (Corona virus) in the Sub-ordinate Courts.	60-61
❖	Some Recent Judgments of the Uttarakhand High Court.	62-73
❖	Major Activities during COVID-19 at the High Court.	74-75
❖	Activities of State Legal Services Authority (SLSA).	76-79

* * * * *

UTTARAKHAND HIGH COURT

LIST OF JUDGES (As on 30th June, 2020)

Sl. No.	Name of the Hon'ble Judges	Date of Appointment
1.	Hon'ble Mr. Justice Ramesh Ranganathan (Chief Justice)	02.11.2018
2.	Hon'ble Mr. Justice Ravi Malimath	05.03.2020
3.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
4.	Hon'ble Mr. Justice Lok Pal Singh	19.05.2017
5.	Hon'ble Mr. Justice Manoj Kumar Tiwari	19.05.2017
6.	Hon'ble Mr. Justice Sharad Kumar Sharma	19.05.2017
7.	Hon'ble Mr. Justice Narayan Singh Dhanik	03.12.2018
8.	Hon'ble Mr. Justice Ramesh Chandra Khulbe	03.12.2018
9.	Hon'ble Mr. Justice Ravindra Maithani	03.12.2018
10.	Hon'ble Mr. Justice Alok Kumar Verma	27.05.2019

* * * * *

Transfers of Judicial Officers

Sl. No.	Name & Designation of the Officer	Place of Transfer	Date of Order
1.	Shri Rajeev Kumar Khulbey, District & Sessions Judge, Nainital.	Additional Charge of the Presiding Officer, Food Safety Appellate Tribunal, Haldwani, District Nainital with direction to preside over the Tribunal for half day on every working Saturday.	11.06.2020
2.	Shri Shahanshah Mohd. Dilber Danish, Presiding Officer, Food Safety Appellate Tribunal, Haldwani, District Nainital.	1 st Addl. District & Sessions Judge, Haridwar.	11.06.2020
3.	Shri Sahdev Singh, 1 st Addl. District & Sessions Judge, Haridwar.	2 nd Addl. District & Sessions Judge, Haridwar.	11.06.2020
4.	Smt. Rama Pandey, Addl. District & Sessions Judge/Special Judge, POCSO, Dehradun.	Addl. District & Sessions Judge, Tehri Garhwal.	11.06.2020
5.	Shri Bharat Bhushan Pandey, 2 nd Addl. District & Sessions Judge, Haridwar.	3 rd Addl. District & Sessions Judge, Haridwar.	11.06.2020
6.	Smt. Archana Sagar, Addl. District Judge/Special Judge, POCSO, Haridwar.	Addl. District Judge/Special Judge, POCSO, Haldwani, District Nainital.	11.06.2020
7.	Shri Ritesh Kumar Srivastava, Additional Secretary (Law)-cum-Additional L.R., Government of Uttarakhand.	5 th Addl. District & Sessions Judge, Haridwar.	11.06.2020
8.	Shri Manish Kumar Pandey, Addl. District Judge/Special Judge, POCSO, Haldwani, District Nainital.	Addl. District Judge, Almora.	11.06.2020
9.	Ms. Meena Deopa, 7 th Addl. District & Sessions Judge, Dehradun.	Addl. District & Sessions Judge/Special Judge, POCSO, Dehradun.	11.06.2020
10.	Ms. Anjali Noliyal, 5 th Addl. District & Sessions Judge, Haridwar.	Addl. District & Sessions Judge/Special Judge, POCSO, Haridwar.	11.06.2020
11.	Shri Sudhir Tomar, Chief Judicial Magistrate, Pithoragarh.	Chief Judicial Magistrate, Pithoragarh is directed to hold Camp Court at Didihat, Pithoragarh for three days in a month.	11.06.2020
12.	Shri Man Mohan Singh, Chief Judicial Magistrate, Almora.	Civil Judge (Sr. Div.), Rishikesh, District Dehradun.	11.06.2020
13.	Smt. Jyoti Bala, 2 nd Addl. Civil Judge (Senior Division), Haridwar.	1 st Addl. Civil Judge (Senior Division), Haridwar.	11.06.2020

14.	Ms. Rinky Sahni, 2 nd Addl. Chief Judicial Magistrate, Dehradun.	Chief Judicial Magistrate, Almora.	11.06.2020
15.	Shri Shahzad Ahmad Wahid, 2 nd Addl. Civil Judge (Senior Division), Dehradun.	Chief Judicial Magistrate, Rudraprayag and he is directed to hold Camp Court at Ukhimath, Rudraprayag for two days in a month.	11.06.2020
16.	Shri Mohd. Yaqoob, Secretary, District Legal Services Authority, Champawat.	2 nd Addl. Chief Judicial Magistrate, Dehradun.	11.06.2020
17.	Shri Sanjay Singh, Chief Judicial Magistrate, Rudraprayag.	2 nd Addl. Civil Judge (Senior Division), Dehradun.	11.06.2020
18.	Ms. Lalita Singh, 2 nd Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	1 st Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	11.06.2020
19.	Ms. Arti Saroha, Secretary, District Legal Services Authority, Rudraprayag.	5 th Addl. Civil Judge (Senior Division), Dehradun.	11.06.2020
20.	Shri Sanjeev Kumar, 3 rd Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	2 nd Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	11.06.2020
21.	Ms. Simranjeet Kaur, Addl. Civil Judge (Senior Division), Roorkee, District Haridwar.	Addl. Chief Judicial Magistrate, Roorkee, District Haridwar.	11.06.2020
22.	Ms. Neha Qayyum, 4 th Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	3 rd Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	11.06.2020
23.	Shri Akram Ali, 5 th Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	4 th Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	11.06.2020
24.	Ms. Shama Parveen, Civil Judge (Jr. Div.), Pauri Garhwal.	Judicial Magistrate-I, Haldwani.	11.06.2020
25.	Ms. Jayshree Rana, 1 st Additional Civil Judge (Jr. Div.), Nainital.	Civil Judge(Jr. Div.), Nainital	11.06.2020
26.	Shri Ramesh Chandra, Civil Judge (Jr. Div.), Vikasnagar, District Dehradun.	Civil Judge, (Jr. Div.), Vikasnagar, District- Dehradun is directed to hold Camp Court at Chakrata, District Dehradun for 03 days in a month.	11.06.2020
27.	Ms. Meenakshi Sharma, 1 st Addl. Civil Judge (Jr. Div.), Haridwar.	Civil Judge (Jr. Div.), Khatima, Udham Singh Nagar.	11.06.2020
28.	Ms. Bharti Manglani, Judicial Magistrate-III, Haridwar.	Civil Judge (Jr. Div.), Gairsen, District Chamoli.	11.06.2020
29.	Ms. Aishwarya Bora, Judicial Magistrate-I, Rudrapur.	Civil Judge (Jr. Div.), Roorkee, District Haridwar.	11.06.2020

30.	Ms. Parul Thapliyal, Addl. Civil Judge (Jr. Div.), Khatima, Udham Singh Nagar.	Judicial Magistrate-I, Haridwar.	11.06.2020
31.	Shri Amit Bhatt, Civil Judge (Jr. Div.), Gairsen, District Chamoli.	Civil Judge (Jr. Div.), Laksar, District Haridwar.	11.06.2020
32.	Ms. Chandreshwari Singh, Judicial Magistrate-II, Dehradun.	Civil Judge (Jr. Div.), Srinagar, District Pauri Garhwal.	11.06.2020
33.	Shri Rajendra Kumar, Judicial Magistrate, Tanakpur, District Champawat.	Civil Judge (Jr. Div.), Rishikesh, District Dehradun.	11.06.2020
34.	Ms. Krishtika Gunjiyal, 1 st Addl. Civil Judge (Jr. Div.), Roorkee, District Haridwar.	Addl. Civil Judge (Jr. Div.), Khatima, Udham Singh Nagar.	11.06.2020
35.	Shri Rajnish Mohan, Civil Judge (Jr. Div.), Laksar, District Haridwar.	Civil Judge (Jr. Div.), Tanakpur, District Champawat.	11.06.2020
36.	Shri Puneet Kumar, Civil Judge (Jr. Div.), Rudrapur.	1 st Addl. Civil Judge (Jr. Div.), Roorkee, District Haridwar.	11.06.2020
37.	Shri Prakash Chandra, Civil Judge (Jr. Div.), Jaspur, Udham Singh Nagar.	Judicial Magistrate-II, Dehradun.	11.06.2020
38.	Ms. Bhawna Pandey, Judicial Magistrate-I, Haldwani, District Nainital.	Civil Judge (Jr. Div.), Haldwani, District Nainital.	11.06.2020
39.	Shri Rizwan Ansari, Civil Judge (Jr. Div.), Chakrata, District Dehradun.	Civil Judge (Jr. Div.), Dehradun.	11.06.2020
40.	Ms. Kanchan Chaudhary, Judicial Magistrate-I, Haridwar.	1 st Addl. Civil Judge (Jr. Div.), Haridwar.	11.06.2020
41.	Shri Laval Kumar Verma, Civil Judge (Jr. Div.), Ukhimath, District Rudraprayag.	Judicial Magistrate-I, Rudrapur, District Udham Singh Nagar.	11.06.2020
42.	Ms. Pallavi Gupta, Judicial Magistrate-IV, Dehradun.	Civil Judge (Jr. Div.), Rudrapur.	11.06.2020
43.	Ms. Urvashi Rawat, 1 st Addl. Civil Judge (Jr. Div.), Haldwani, District Nainital.	Judicial Magistrate, Rishikesh, District Dehradun.	11.06.2020
44.	Ms. Chairab Batra, 1 st Addl. Civil Judge (Jr. Div.), Rudrapur.	Civil Judge (Jr. Div.), Jaspur, Udham Singh Nagar.	11.06.2020
45.	Ms. Shalini Dadar, Judicial Magistrate-II, Rudrapur, District Udham Singh Nagar.	Judicial Magistrate-I, Rudrapur, District Udham Singh Nagar.	11.06.2020

Promotions of Judicial Officers

Sl. No.	Name & Designation of the Officer	Place of Promotion	Date of Order
1.	Shri Dayaram, Civil Judge (Jr. Div.), Haldwani, District Nainital.	6th Addl. Civil Judge (Senior Division), Dehradun.	11.06.2020
2.	Ms. Afiya Mateen, Civil Judge (Jr. Div.), Champawat.	7th Addl. Civil Judge (Senior Division), Dehradun.	11.06.2020
3.	Shri Amit Kumar, Civil Judge (Jr. Div.), Srinagar, District Pauri Garhwal.	2nd Addl. Civil Judge (Senior Division), Haridwar.	11.06.2020
4.	Shri Alok Ram Tripathi, Judicial Magistrate, Rishikesh, District Dehradun.	5th Addl. Civil Judge (Senior Division), Rudrapur, Udham Singh Nagar.	11.06.2020
5.	Shri Mithilesh Pandey, Civil Judge (Jr. Div.), Dehradun.	8th Addl. Civil Judge (Senior Division), Dehradun.	11.06.2020
6.	Shri Ravindra Dev Mishra, Civil Judge (Jr. Div.), Didihat, District Pithoragarh.	9th Addl. Civil Judge (Senior Division), Dehradun.	11.06.2020
7.	Shri Ravi Ranjan, Civil Judge (Jr. Div.), Khatima, District Udham Singh Nagar.	3rd Addl. Civil Judge (Senior Division), Haridwar.	11.06.2020
8.	Shri Kapil Kumar Tyagi, Civil Judge (Jr. Div.), Roorkee, District Haridwar.	Addl. Civil Judge (Senior Division), Roorkee, District Haridwar.	11.06.2020
9.	Shri Abhay Singh, Civil Judge (Jr. Div.), Nainital.	Civil Judge (Senior Division), Nainital.	11.06.2020
10.	Ms. Mamta Pant, Civil Judge (Jr. Div.), Tanakpur, District Champawat.	Addl. Civil Judge (Senior Division), Tehri Garhwal.	11.06.2020
11.	Ms. Anamika, Civil Judge (Jr. Div.), Rishikesh, District Dehradun.	Promoted to the Civil Judge (Sr. Div.), Cadre.	11.06.2020

* * * * *

Circulars



From:

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. All the Family Court Judges, State of Uttarakhand.
3. Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
4. Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, Distt. Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, Distt. Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
17. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
18. Chairman, Permanent Lok Adalat, Dehradun, Hardwar, Nainital and Udham Singh Nagar.

C.L. No. 01 /UHC/Admin.A/2020

Dated: April 09, 2020.

Subject: Nomination of Administrative Judge(s).

Sir/Madam,

In order to partial modification in Circular Letter no. 06/UHC/Admin.A/2018 dated 13.12.2018 and in continuation to C.L. No. 05/UHC/Admin.A/2019 dated 26.06.2019 on the subject noted above, I have to inform that Hon'ble the Chief Justice is pleased to nominate Hon'ble Mr. Justice Ravi Malimath as the Administrative Judge Incharge of the Almora and Udham Singh Nagar Districts.

You are therefore, informed accordingly.

Yours faithfully, /



[Handwritten signature]

From:

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand
2. All the Family Court Judges, State of Uttarakhand
3. Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
4. Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Hardwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicose, Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, Distt. Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, Distt. Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
17. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
18. Chairman, Permanent Lok Adalat, Dehradun, Hardwar, Nainital and Udham Singh Nagar.

C.L. No. 02 /UHC/Admin.A/2020

Dated: April 18, 2020.

Subject: Extension in time limit for submission of Annual Confidential Remarks and Annual Property Statements

Sir/Madam,

I am directed to inform you that due to pandemic of COVID-19, nation-wide lockdown is declared till 03.05.2020, hence, in these circumstances, the time limit for submitting Annual Confidential Remarks and Annual Property Statements is extended till 15.05.2020.

You are, therefore, informed accordingly and requested to communicate all the officers under your subordination.



From
Registrar General
High Court of Uttarakhand
Nainital

To
All the District Judges
Subordinate to High Court of Uttarakhand

C. L. No. 3 /UHC/Admn-B/v(a)6/2020 Dated 1st May, 2020

Subject:- Regarding Extension of Limitation Period

Madam/Sir,

Keeping in view the lockdown declared by the Government of India on account of Covid 19 Virus, Hon'ble the Supreme Court in *Suo Moto Writ (Civil) No.3 of 2020 in Re: Cognizance for Extension of Limitation*, passed following order dated 23.03.2020 regarding the limitation period:

"To obviate such difficulties and to ensure that lawyers/litigants do not have to come physically to file such proceedings in respective Courts/Tribunals across the country including this Court, it is hereby ordered that a period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or Special Laws whether condonable or not shall stand extended w.e.f. 15th March 2020 till further order/s to be passed by this Court in present proceedings."

2. The aforesaid order of the Hon'ble Supreme Court has already been circulated vide Hon'ble High Court letter No.1776/UHC/ Admin-B/v(a)/2020 dated 21.04.2020.

3. Now, in the aforesaid matter, Hon'ble Supreme Court have passed the following order dated 06.05.2020:

"In case the limitation has expired after 15.03.2020 then the period from 15.03.2020 till the date on which the lockdown is lifted in the jurisdictional area where the dispute lies or where

the cause of action arises shall be extended for a period of 15 days after the lifting of lockdown."

4. In continuation of the Hon'ble High Court letter No.1776/UHC/Admin-B/v(a)/2020 dated 21.04.2020, the aforesaid order is being circulated for information and necessary action.





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

- To,
1. All the District Judges, Subordinate to the High Court of Uttarakhand.
 2. Secretary, Law-cum-L.R., Government of Uttarakhand, Dehradun.
 3. Principal Judge/Judges, All the Family Courts of Uttarakhand.
 4. Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
 5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
 6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
 7. Chairman, State Transport Appellate Tribunal, 3/5 A, Race Course, Near Rinku Medicos, Dehradun.
 8. Legal Adviser to Hon'ble the Governor, Rajbhawan, Dehradun.
 9. Secretary, Lokayukt, 3/3, Industrial area, Patel Nagar, Dehradun.
 10. Registrar, State Consumer Redressal Commission, House No.176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun.
 11. Member Secretary, Uttarakhand State Legal Services Authority, Nainital.
 12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani (Nainital).
 13. Presiding Officer, Labour Court, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
 14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun & Haldwani (Nainital).
 15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
 16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
 17. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
 18. Additional Secretary (Law), Uttarakhand Public Service Commission, Haridwar.
 19. Chairman, Co-operative Tribunal, Dehradun, Uttarakhand.

C.L. No. 4/UHC/Admin.A-1/2020

Date: May 27 2020.

Subject: Regarding Movable and Immovable Property Statement.

Sir/Madam,

With regard to the subject noted above, in view of certain discrepancies found in Movable and Immovable property statements, submitted by Judicial Officers, I am directed to say that the Hon'ble Court has issued following directions regarding Movable and Immovable Property statement, which would be taken care of while submitting the statements:-

- A. Officers must show the balance amount in their saving accounts (including dependent family members) at the end of financial year i.e. 31st March of the respective year. The source of amount must be mentioned with regard to every savings and investments.
- B. Officers must show the actual deposited amount in PPF/Sukanya Samridhi Scheme and like accounts during the year.



- C. All the officers will enclose copy of annual salary statement alongwith the statement of movable and immovable properties in support of annual income from salary (C.L. No.06 dated 27.07.2019 issued).
- D. In the case of policies where premium is to be deposited, the type of premium (annually, half-yearly, quarterly, monthly or one time investment) must disclosed by the officer. If the investment is one time investment, then duration of investment i.e. maturity date must be disclosed in the statement.
- E. In case of the renewal of previous year running investments (FD, NSC etc.), details regarding period for renewal and the renewal amount must be mentioned by the officer.
- F. In case of maturity, the amount received must be shown in the gross income by the officers.
- G. The complete details of loan i.e. loan amount, date when the said loan was sanctioned, No. of EMI(s) to be paid and the amount of E.M.I. paid by the officer in the concerned year must be disclosed by the officer and the copy of loan sanctioning letter from appropriate authority must be furnished by the officer.
- H. At the time of loan closing, the statement of loan account must be furnished by the officer.
- I. Details of the deductions must be in the statement.
- J. All such purchases, which are of more than Rs.10,000/-, should be mentioned in column 4 of the statement furnished every year.

It is, therefore, requested to bring the above directions of the Hon'ble Court to the notice of all the Judicial Officers working under your administrative control. Aforesaid Circular Letter will come into force from the year 2019-20. Those officers, who have submitted their statements for the F.Y. 2019-20, may check their statements vis-à-vis directions issued by the aforesaid C.L. and in case, said information is not included in the statement submitted by them, they would submit the said information separately, preferably within one week.



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

From,

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

To,

2. 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, Nebru 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, Ehowali, 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 and 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. 05/UHC/Admin.A/2020 Dated: June 30th, 2020.

Subject: Regarding comprehensive guidelines for various types of leaves.

Sir/Madam,

In continuation of earlier Circular Letter No. 03/XIV-2/Admin.(A)/2006 dated May 16, 2006, of this Court, issued in regard to Earned Leave, which provides as under:



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-2-

“The Judicial Officers should not avail earned leave unless sanctioned by the High Court. The application for earned leave should be submitted well in advance of the proposed leave and in case of emergency, permission may be granted by the District Judge/Principal Judge Family Courts to avail the leave under intimation to the High Court”.

And Circular Letter No. 07/XIV-30/Admin.(A)/2019 dated September 05, 2019, issued regarding submission of the leave applications by the Judicial Officers, which provides as under:

“Applications by Judicial Officers for sanctioning of earned leave etc. should be submitted at least 20 days prior to the date of commencement of leave, except in emergency”.

2. In this regard, I am directed to say that direction issued in both the aforesaid Circular Letters are not being complied with by most of the Judicial Officers and they are used to sent their applications for earned leave, only three or four days prior to the date of commencement of proposed leaves. Hon’ble Court has taken serious note of this, as non compliance of the said directions results into the wastage of precious time of Registry and the Court.

Henceforth, Judicial Officers are directed to ensure strict compliance of both the aforesaid Circular Letters, and applications by Judicial Officers for sanctioning of earned leave etc. should be submitted at least 20 days prior to the date of commencement of leave, except in emergency and the Judicial Officers should not avail earned leave unless sanctioned by the High Court.



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-3-

3. With regard to medical leave, I am to say that Most of the Judicial Officers proceed on medical leave without submitting any medical leave application and only send intimation to this Court and proceed on medical leave. Few of them are not even sending intimation before proceeding on medical leave and only sending intimation after four or five days of proceeding on medical leave. Some Judicial Officers are not submitting the Medical Certificate as per rules or sometimes submit Fitness Certificate only, in support of their medical leave application, whereas, as per Fundamental Rule 81 (B) (2) and Fundamental Rule 71 of the Financial Hand Book, Vol. II, Chapter-X, Part II to IV, Medical Certificate and Fitness Certificate have to be produced separately.

Henceforth, all the Judicial Officers are directed to send information regarding Medical leave before proceeding on Medical leave and to apply for medical leave on the enclosed format (Annexure- 'A') and in support of the application for Medical Leave, Medical Certificate, as per subsidiary Rule- 89 of the Financial Hand Book (Annexure- 'B') be submitted and to resume their duties Fitness Certificates, as per subsidiary Rule- 43(a) (Annexure- 'C') be submitted.

4. With regard to the Maternity Leave, I have to say that all the female Officers are submitting incomplete applications for Maternity Leave.

Therefore, I am directed to impress upon you that henceforth, application for Maternity Leave should be submitted by the female officers as per enclosed format (Annexure- 'D') and in support of Maternity leave application, some document (Medical paper) (in the case,



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-4-

if Maternity leave is applied before delivery) and birth certificate of the child (in the case, if Maternity leave is applied, after delivery) should be produced. **(Annexure- 'E')**.

5. With regard to Child Care Leave, I have to say that while applying for Child care leave female Officers are not complying with the Office Memorandum No. 11/xxvii(7)/34/2011 dated 30.05.2011, issued by the Government and submitting incomplete applications for Child Care Leave and proceed on leave without prior sanctioning of it.

Therefore, I am directed to impress upon you that henceforth, no Officer shall proceed on Child care leave without its prior sanction and shall submit the application for Child Care Leave, as per enclosed format **(Annexure- 'F')**.

6. Similarly in the case of Paternity Leave, while applying for the Paternity Leave, G.O. No. 819/xxvii(7)34/2010-11 dated 31.12.2013, has not been followed by the Judicial Officers, and it is being noticed that most of the Officers proceed on Paternity leave without its Prior sanction.

Therefore, I am directed to impress upon you that henceforth, no Officer shall proceed on Paternity leave without its prior sanction and shall submit the application for Paternity Leave, as per enclosed format. **(Annexure- 'G')**.

7. Further, I am directed to inform you that C.L.No.03/XIV-2/Admn.(A)/2006 dated. May 16, 2006, issued regarding station leave and Earned Leave, provides as under:

“The District Judge/Principal Judge/Judge, Family Courts should not leave the district without prior permission from the High Court and in case of emergency such permission may be obtained on



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-5-

telephone also from the Hon'ble Administrative Judge of the district concerned.

The Judicial Officers should not avail earned leave unless sanctioned by the High Court. The application for earned leave should be submitted well in advance of the proposed leave and in case of emergency permission may be granted by the District Judge/Principal Judge, Family Courts to avail the leave under intimation to the High Court."

And C.L.No.10/UHC/Admin.A /2019 dated. December 17, 2019, issued with regard to correspondence/communication with the High Court, provides as under:

"While submitting any type of correspondence to the Hon'ble Court on administrative side, it should be a practice that, the same be first examined at your level and after satisfying at your own level, same be sent to the Hon'ble Court, mentioning the applicable Rules/provisions, as the case may be, and along with your comments/opinion. Like-wise, with regard to medical reimbursement claims, it should be ascertained that claim is as per Rules and has been made with time and the same be sent to the Hon'ble Court along With your comments."

8. In this regard, I am to say that both the aforesaid Circular Letters are being not followed by the Judicial Officers and some Officers are proceeding on leave and leaving their Districts, without prior sanctioning of leaves or station leave. Further, some of the officers are submitting applications to leave the station after availing the station leave, which is very objectionable and the Hon'ble Court has taken a serious note of this.



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-6-

Therefore, I am again directed to impress upon you that application to leave the Station and for Casual leave shall be submitted at least one week prior to proposed leave, except in emergency and no Judicial officer shall leave the District without prior permission from the High Court and only in emergency, permission may be obtained on telephone from the High Court.

Further, while submitting any type of correspondence to the Hon'ble Court on administrative side Circular Letter No. 10/UHC/Admin.A/2019 dated December 17, 2019, should be strictly followed and no correspondence on administrative side should be submitted to the Hon'ble Court, unless and until, the same be first examined at your level and after satisfying at your own level, same be sent to the Hon'ble Court, mentioning the applicable Rules/ provisions, as the case may be, and along with your comments/opinion.

You are therefore, requested to comply with the aforementioned directions of the Hon'ble Court and bring it to the notice of all the Judicial Officers for strict compliance.



C. L. No. 05/UHC/Admin.A/2020

Dated: 30th June, 2020

-7-

ANNEXURE - 'A'**MEDICAL LEAVE APPLICATION**

1.	Name of the Judicial Officer	
2.	Leave Rule applicable	
2.	Designation	
3.	Date of appointment in Service	
4.	Period for which medical leave is being applied	
5.	Duration of previous medical leave, if availed.	

Dated:

Signature of Applicant



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-8-

ANNEXURE – ‘B’

MEDICAL CERTIFICATE FOR LEAVE
Subsidiary Rule -89

Name :

Appointment held :

Age :

Total Service :

Previous period of leave of absence on medical certificates :

Disease :

History :

Signature of employee :
concerned

I.....Chief Medical Officer/Authorised medical attendant at or of.....
.....after careful and personal examination of the case hereby certify that Shri/Smt./Kumari.....is in bad state of health and I solemnly and sincerely declare that according to the best of my judgement, a period of absence from duty is essentially necessary for the recovery of his/her health and recommended that he/she may be granted leave forwith effect from.....

Date: Medical Officer/Authorised Medical Attendant
Countersignature

CMO OR CMS/PMS of Government Hospital



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-9-

ANNEXURE – 'C'

FITNESS CERTIFICATE FOR LEAVE
Subsidiary Rule -43 (a)

I.....Medical Officer/Authorised
Medical Attendant at -----do hereby certify
that I have carefully examinedof
the.....department and find that
he/she has recovered from his/her illness and now fit to resume duties in
Government service w.e.f.

I also certify that before arriving at this decision, I examined the original
medical certificate and statement of the case on which leave was granted and
have taken these into consideration in arriving my decision.

Date:

Medical Officer/Authorised Medical Attendant

Countersignature

CMO OR CMS/PMS of Government Hospital



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-10-

ANNEXURE – 'D'

MATERNITY LEAVE APPLICATION

1.	Name of the Judicial Officer	
2.	Designation	
3.	Date of appointment in Service	
4.	Duration for which maternity leave is being applied	
5.	Whether applying for maternity leave for the first time/second time.	
6.	Nos. of surviving children before present maternity leave application.	
7.	Has 2 years time elapsed from the end of last maternity leave (if availed)	
8.	Date of Birth/Expected date of Birth of child	

Dated:

Signature of Applicant



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-11-

ANNEXURE – ‘E’

MATERNITY LEAVE CERTIFICATE

- 1. Name :
- 2. Designation :
- 3. Age :
- 4. Total Service :
- 5. Previous period of maternity leave :
- 6. Disease/Reason :
- 7. History :

I..... at.....

.....after careful and personal examination of the case hereby certify that Ms.....has given birth to a male/female child on...../Or expected date of delivery of Ms.....is.....Hence, I solemnly and sincerely declare that a period of absence from duty is essential necessary recovery of her health and recommend that she may be granted maternity leave as per rules with effect from.....

Date: Medical Officer/Authorised Medical Attendant

Countersignature

CMO OR CMS/PMS of Government Hospital



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-12-

ANNEXURE – 'F'

CHILD CARE LEAVE APPLICATION

1.	Name of the Judicial Officer	
2.	Designation	
3.	Date of appointment in Service	
4.	Has probation been completed	
5.	Name of the child for whom child care leave is being applied	
6.	Date of Birth of child	
7.	Date on which child will be attaining age of 18 years	
8.	Is the child among the two eldest children	
9.	Duration for which child care leave is being applied	
10.	Reason for child care leave	
11.	Has the applicant previously availed child care leave in current calendar year (if yes, mention detail)	
12.	Total child care leave availed till date (out of total 730)	

Dated:

Signature of Applicant



C. L. No. 05/UHC/Admin.A/2020
Dated: 30th June, 2020

-13-

ANNEXURE – 'G'

PATERNITY LEAVE APPLICATION

1.	Name of the Judicial Officer	
2.	Designation	
3.	Date of appointment in Service	
4.	Duration for which paternity leave is being applied	
5.	No. of surviving children before present paternity leave application.	
6.	Date of Birth of child /Expected date of delivery of applicant's wife	
7.	Duration of previous paternity leave (if availed)	
8.	Detail of enclosed document as proof of child birth/expected date of delivery of applicant's wife	

Dated:

Signature of Applicant



From,

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

To,

2. 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 Medicoa, 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. 06 /UHC/Admin.A/2020

Dated: June 29th, 2020.

Subject: Regarding Correspondence pertaining to Vigilance Cell.

Sir,

With regard to the subject noted above, I am directed to communicate the following directions of the Hon'ble Court, that, any correspondence relating to work profile of Vigilance Cell, be addressed to Registrar Vigilance, High Court of Uttarakhand, Nainital or Vigilance Cell, High Court of Uttarakhand, Nainital.



C. L. No. 06 /UHC/Admin.A/2020
Dated: June 29th, 2020.

-2-

2- Therefore, aforesaid directions issued by the High Court be brought to the knowledge of all the Judicial Officers posted in your judgeship for strict compliance.



From,

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

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/Judges, Family Courts, Subordinate to High Court of Uttarakhand.
3. Principal Secretary, Legislative 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. 07 /UHC/Admin.A/2020

Dated: June 29th, 2020.

Subject: Submission of a report by the relieving officer.

Sir,

With regard to the subject noted above, I am directed to communicate the following directions of the Hon'ble Court, that, at the time of transfer, every Judicial Officer shall prepare a concise report of his/her Court/Office/Post, in which, broadly following issues would be dealt with:



C. L. No. 07 /UHC/Admin.A/2020

Dated: June 29th, 2020.

-2-

- (i) A chart of year-wise pending cases.
- (ii) Particulars of stayed cases and the date, when query about continuation of stay order was last made.
- (iii) Particulars of cases, directed for expeditious disposal by the Superior Courts.
- (iv) Pending administrative matters, assigned to the post/office, if any.
- (v) A brief note regarding working and pending matters pertaining to any administrative charge, such as, Nazarat, Copying, Record Room etc.
- (vi) Any confidential information relating to the post/office.
- (vii) Any information about staff working in the court/office.
- (viii) Any other relevant information.

2- Such report would be marked confidential and shall be handed over only to the new incumbent with a copy to the District Judge concerned. If there is no incumbent, such report shall be submitted to the District Judge only. In case of District Judge, a copy shall also be sent to the High Court. District Judges, after perusing the report of each court/office in his/her judgship, would issue necessary directions for the smooth functioning of court/office. In case, court is fallen vacant due to transfer of the officer, District Judge shall transfer old and urgent matters to any other court, as far as possible.

3- Therefore, aforesaid directions issued by the High Court be brought to the knowledge of all the Judicial Officers posted in your judgship for strict compliance.

Yours Faithfully,



From,

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

To,

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge/Judges, Family Courts, Subordinate to High Court of Uttarakhand.
3. Principal Secretary, Legislative and Parliamentary Affairs, Govt. of Uttarakhand, Dehradun.
4. Secretary, Law-cum-L.R, Govt. of Uttarakhand, Dehradun.
5. Chairman, Commercial Tax Tribunal, P-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, J/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. 08 /UHC/Admin.A/2020

Dated: June 29th, 2020.

Subject: Regarding strengthening of Vigilance.

Sir,

With regard to the subject noted above, I am directed to communicate the following directions of the Hon'ble Court, that, District Judges/Principal Judge/Judges, Family Courts should strengthen their network and any sort of information about misconduct by Judicial Officers/Staff, which falls under the purview of Vigilance Cell, shall be immediately brought to the knowledge of Vigilance Cell confidentially



C. L. No. 08 /UHC/Admin.A/2020
Dated: June 29th, 2020.

-2-

along with his/her report. In case, it is found that appropriate information has not been sent despite of its knowledge, concerned would entail disciplinary action.

2- You are, therefore, informed accordingly.

Notifications

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

No.85/UHC/Stationery/2020

Dated: 02.04.2020

Having considered the steps already taken by High Court of Uttarakhand to combat the impending threat of COVID-19 (corona virus) and considering the 21 days lockdown declared by the Government of India, in continuation with the High Court of Uttarakhand Notification No. 83/UHC/Stationery/2020, Dated 24.03.2020, whereby the Subordinate Courts of the State have been closed till 04.04.2020, High Court of Uttarakhand is pleased to direct the Subordinate Courts will remain closed till 14.04.2020 with further directions that the orders regarding remand and bails work and matters of utmost importance/urgency issued vide the said Notification dated 24.03.2020, will continue to apply.

Registrar General

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

Notification No. 86/UHC/Admin.B/2020,

Dated 11.04.2020

Having considered the imminent threat to the human life by spread of COVID-19 (Corona Virus), considering the lockdown declared by Government of India and in view of directions of the Hon'ble Supreme Court of India in *Suo Motu Writ (Civil) No 5 of 2020, In Re : Guidelines for Court Functioning through Video Conferencing During COVID 19 Pandemic*, to reduce physical presence in the Court by promoting social distancing and for the safety of litigants, advocates and the staff, in the larger public interest, Hon'ble the Chief Justice is pleased to issue following directions with regard to conduct of the business of the High Court of Uttarakhand, to be applicable from 15.04.2020 and till the further orders-

1. Except hereinafter provided, which is to be dealt with in the manner formulated in this Notification and the Schedule appended thereto, no other matter shall be entertained by the High Court of Uttarakhand.
2. In case of fresh matter with extreme urgency, Registrar (Judicial) or such officer of the Court, deputed in this regard, shall be the Nodal Officer and the summary of the proposed matter with urgency application justifying extraordinary circumstances that matter be taken up by the Court, despite the lockdown, shall be e-mailed to the address given in Schedule to this Notification.
3. The particulars and contact details of Registrar (Computer), Registrar (Judicial) and such other officers of the Court, whose particulars and contact details are necessary for more convenient implementation of the directions given in this Notification, shall be displayed in the official website of the Court, and in no case, advocate, his law clerk, any of his other staff or the party to the matter shall contact, in person, any officer/staff of the High Court, nor they shall visit any of its establishment/section.
4. Subject to the directions of Hon'ble the Chief Justice, criteria for the urgent hearing shall be same as the criteria of urgent hearing considered during holidays.
5. On receipt of summary of the proposed matter with urgency application justifying the extraordinary circumstances, Registrar (Judicial) or the officer of the Court deputed in this regard, shall place the matter alongwith his report before Hon'ble the Chief Justice for further orders.
6. If Hon'ble the Chief Justice orders that the matter be placed before the Court, the advocate concerned shall be informed to e-mail the petition alongwith the annexure/documents in PDF format to e-mail address given in Schedule to this Notification.
7. The petition received by e-mail from the advocate shall be registered in CIS in the same manner as is followed in the normal course and after scrutinizing the petition, the officer of Institution Section of the Court deputed in this regard, shall forward the petition to the Registrar (Judicial) or such officer of the Court deputed in this regard.
8. Where defects are pointed out in the Petition, information to that effect shall be communicated to the advocate by e-mail for removal of the defects by return e-mail only, provided that the advocate may also request that the petition may be placed before the Court concerned with defects.
9. The Registrar Judicial or such officer of the Court, deputed in this regard, shall thereafter forward the petition alongwith the cause list, to Registrar (Computer) for onward transmission of the petition to the Court and to facilitate the hearing through video conferencing. For this purpose, Registrar (Computer) shall establish a control room with software professionals of Computer Section of the High Court, who shall work under his supervision.
10. Nothing hereinbefore contained shall affect the powers of the Court to dismiss prayer for urgent hearing after going through the petition and documents filed in support thereof, at any stage prior to the hearing through video conferencing.
11. Where the prayer for the urgent hearing is not dismissed at the preliminary stage, as above, the matter shall be heard through video conferencing in the manner provided in Schedule to this Notification.

12. Where Benches are already not constituted for hearing under this Notification, before forwarding the petition to the Registrar (Computer) for onward transmission of the petition to the Court concerned, the Registrar (Judicial) shall take orders from Hon'ble the Chief Justice for constitution of the Bench for the matter concerned and the orders so received by him, shall be communicated to all the concerned.
13. Pending matters, if are already fixed for hearing on such dates which fall while this Notification is in force, shall stand adjourned.

By orders of Hon'ble the Chief Justice

SCHEDULE

(Notification No. 86/UHC/Admin.B/2020, Dated 11.04.2020)

1. The e-mail address for filing summary of the proposed matters or the petitions *etc.* under this Notification is ukhc.nainital@uk.gov.in.
2. The advocates shall e-mail the complete petition (one single properly numbered pdf file) to the aforesaid e-mail address in softcopy (scanned/typed PDF) along with all the relevant documents including proof of payment of Court fee in PDF format only.
3. Petitions are required to be signed/digitally signed by the advocate before scanning/conversion. Annexure to the Petitions shall also be scanned in PDF format. In no case, hard copy of petition/application/annexure/any document *etc.* shall be received while this Notification is in force.
4. Petition/application/annexure/documents *etc.*, which are required to be signed by the party concerned, shall be signed/digitally signed by the advocate, provided that while doing so the advocate shall file an acknowledgement along with proof of identity of the party concerned, obtained through any electronic mode of communication that such party admits the Petition/application/annexure/documents *etc.*, which is signed/digitally signed by the advocate on his behalf.
5. Where party is required to file an affidavit, the advocate may e-mail an application on behalf of the party that due to the lockdown and the circumstance arising there from, requirement of filing the affidavit be dispensed with, provided that in such case, after this Notification cease to have effect, the party shall file the affidavit.
6. The advocate while filing the summary of proposed matter or the petition, as the case may be, shall necessarily submit his enrolment number with Bar Council, registered mobile number, e-mail address and scanned photo ID issued by Bar Council or any Government Authority.
7. With the petition, the advocate shall also e-mail undertaking to the effect that within 3 days from the day this Notification ceases to have effect or by any future date specified in this regard, he shall submit hard copies of the petition, application documents *etc.* e-mailed by him under this Notification, in the same manner, as followed in normal course.
8. As soon as the hard copies of the petition, application, documents *etc.* are so received, the

concerned Judicial Section of the Registry shall prepare file of the case in the same manner, case files are prepared in the normal course for maintaining the records.

9. Where under Para 11 of this Notification, Court proceeds to hear the matter through video conferencing, the Registrar (Computer) shall cause the details of VC id link, date and time intimated to the advocate concerned through SMS/e- mail/Whatsapp service. The advocate shall not share the link details so intimated to him with any person.
10. The hearing through video conferencing shall be held on such date and at such place and time, as fixed by the Court.
11. The advocate shall be ready with all hardware/software facilities for the video conferencing one hour prior to the time given as above, for testing functionality of the video conferencing by the Control Room mentioned hereinbefore.
12. Where State or Union of India is the respondent in any matter and intimation of the hearing is to be given to Chief Standing Counsel/Government Advocate/Advocate of the Union of India for appearance/participation in the hearing through video conferencing, the intimation alongwith copies of the petition *etc.*, shall be sent to their official e-mail address, which shall be deemed to be sufficient service of the notice.
13. The Video Conferencing shall be held through "**Jitsi Meet**" software and for this purpose, advocates are required to download and install the said software in their mobile phone/tab/laptop/personal computer/*etc.*, which is available in Google play store/apple store, free of cost.
14. The mobile phone/tab/laptop/personal computer/*etc.* of the advocates are required to have (i) Internet Connection (minimum 2 MBPS), (ii) web camera (adequate resolution 1 MP or above), (iii) speaker and microphone (clear sound), and such other facilities necessary for the aforesaid software.
15. Where for any reason, the video conferencing can not be held through "**Jitsi Meet**", the conferencing shall be first held through '**Zoom Cloud Meeting**' software and if the video conferencing can also be not held through this software, in that event, the conferencing shall be held through **Vidyo Mobile/Desktop** software. The advocates are, therefore, required to download and install these two software in advance, which are also available on Google play store/apple store.
16. No software other than the software stated above, shall be used for the video conferencing.
17. In the hearing through video conferencing, advocates will participate from their respective office/residence, provided that where an advocate does not have the aforesaid software/hardware facilities, he has an option to participate in the hearing from service room arranged in this regard in the High Court premises, details of which are available in the official website of the Court.
18. In the hearing through video conferencing, advocates shall follow all protocols which are followed in the normal Court proceedings, provided that so far as the dress code is concerned, advocate may appear/participate in any formal wear conforming to dignity and decorum of the judicial proceedings.
19. During the hearing through video conferencing, when Court is in session with one end, the other end not in session with the Court, shall keep its Microphones on mute mode.

20. The orders passed by the Court will be delivered in the manner, as orders are delivered in the normal course and soon after getting the order signed by the Hon'ble Judge, the Private Secretary/Personal Assistant of the Court shall send the ink signed copy of the order to the section officer-in-charge of the Judicial Section concerned, who shall keep the order in his safe custody till same is bunched with the case file prepared as per the Para 8 of this Schedule. While sending the ink signed copy of order to the section officer-in-charge of the Judicial Section, the Private Secretary/Personal Assistant will also upload the order in the CIS/NJDG, in the same manner, orders are uploaded in normal course.
21. Where for ensuring social distancing, the Hon'ble Judge gets the order typewritten by dictation to the Private Secretary/Personal Assistant over telephone or any electronic mode of communication, which the Hon'ble Judge deems fit and appropriate, the Private Secretary/Personal Assistant shall prepare the hard copy of the order and after getting the order signed by the Hon'ble Judge, he shall proceed in the manner hereinbefore provided.
22. Where printout of the order uploaded as above is presented before any person or authority, the authenticity of the order shall be ascertained by such person or authority by comparing the same with the order uploaded in CIS/NJDG, and wherever the authenticity has been so ascertained, the said person or authority shall not press for the certified copy of the order and shall act upon, as if the order, as presented above, is the certified copy.
23. The recording of proceedings held under this Notification is strictly prohibited.
24. Where no advocate has been engaged by a party, the word '**advocate**' wherever occurring in this Notification, unless the context otherwise requires, shall also include the '**Party-in- Person**'.
25. For filing of reply, documents, annexure, affidavit, video conferencing *etc.* by the respondent, all provisions applicable to the petitioner for filing of petitions, documents, annexure, affidavit, video conferencing *etc.* under this Notification, shall apply, as if they are also for the respondent.
26. For the video conferencing, besides the guidelines given in this Notification and the Schedule, Standard Operating Procedure (SOP) separately issued and published in official website of the High Court shall also apply.

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

Notification No. 87/UHC/Admin.B/2020,

Dated 12.04.2020

Having considered the imminent threat to human life by spread of COVID-19 (Corona Virus), considering the lockdown declared by Government of India and in view of the directions of the Hon'ble Supreme Court of India in *Suo Motu Writ (Civil) No 5 of 2020, In Re : Guidelines for Court Functioning through Video Conferencing During COVID 19 Pandemic*, to reduce the physical presence in Courts by promoting social distancing and for the safety of litigants,

advocates, staff and all the concerned, in the larger public interest, Hon'ble High of Uttarakhand is pleased to issue following directions with regard to conduct of work in Subordinate Courts of the State, to be applicable from 15.04.2020 and till the further orders-

- 1.** Except the matters hereinafter mentioned, no other matter shall be taken up by the Courts during the period this Notification is in force.
- 2.** The following matters shall be taken up by the Courts-
 - (A)** Matters relating to remand, bail, release of property, recording of statements under section 164 of the Code of Criminal Procedure, 1973 and such other matters brought before the Courts, which are necessary for conduct of investigation by Police.
 - (B)** Filing/institution of Chargesheets, Criminal Complaints *etc.* provided that keeping in view the circumstances arising from the lockdown declared by the Government, Courts may postpone the issue of process/notice and further hearing.
 - (C)** Fresh cases for urgent and immediate relief with application justifying the extraordinary circumstances that the matter may be taken up by the Court during the lockdown.
 - (D)** Final arguments, where heard through video conferencing in the manner provided in the Schedule to this Notification.
 - (E)** Such other matters, which the District & Sessions Judges and the Principal Judge/Judges, Family Courts by specific or general orders, not inconsistent with this Notification, deem fit for urgent hearing in their respective Judgeship/Family Court, provided that wherever such orders are passed, copy thereof shall also be e-mailed to High Court of Uttarakhand.
- 3.** Apart from aforesaid matters, application for urgent and immediate relief in any pending case or application for urgent and immediate hearing in such pending case, based on intervening event, duly supported by an application in this regard justifying the circumstances that it is not a case, which can wait till after the Notification ceases to remain in force, may also be taken up by the Court and upon such application, Court shall pass such orders giving reasons thereof, which it deems fit and appropriate.
- 4.** Except as provided hereinbefore, no pending case shall be fixed for hearing, and same shall stand adjourned, notwithstanding any date already fixed in such case.
- 5.** Where on any working day, no Court room proceedings work is fixed or where no such work is left with the Judicial Officer, the Officer shall discharge duties like writing/dictation of judgments and administrative work from such place, as may be specified by the District & Sessions Judge or the Principal Judge/Judge, Family Court, as the case may be, in this regard.
- 6.** Keeping in view the quantum of work in Courts, the District & Sessions Judges and the Principal Judge/Judges, Family Court, may pass such orders, which they deem fit and appropriate, including the orders for work in shifts by the staff.
- 7.** The District & Sessions Judges and the Principal Judge/Judges, Family Courts, shall pass orders, consistent with the guidelines issued by Government of India, State Government and the High Court of Uttarakhand for their respective Judgeships/Family Courts, for

ensuring social distancing in the Court premises and for taking necessary measures against spread of the COVID-19 (Corona Virus).

- 8.** The Courts shall make every endeavour to take up the matters hereinbefore mentioned by using the video conferencing facilities in the manner as provided in Schedule to this Notification, provided that in all such cases, where owing to practical difficulties or for any other reason, the matters can not be so taken up, all the necessary measures against spread of COVID 19 (Corona Virus), including the norms securing physical distance, shall be followed.
- 9.** The District & Sessions Judges and the Principal Judge/Judge Family Court, may pass such orders which they deems fit and appropriate, not inconsistent with directions given in this Notification and the Schedule, for more convenient hearing through video conferencing.
- 10.** For the more convenient hearing through video conferencing, the District & Sessions Judges shall also pass orders for display of names of the Nodal Officer of the e-Court Project, System Officers/System Assistant, and such other technical staff, as they deems necessary, alongwith their details, in the official website of the District Court.
- 11.** The Subordinate Courts mentioned in this Notification and the Schedule, shall include the Special Courts established in the Districts, who shall take up such matters mentioned in this Notification, which fall in their respective jurisdiction, and where matter is taken up by the Special Court through video conferencing, the respective Judgeship shall provide the necessary technical support.

By the orders of Hon'ble Court

SCHEDULE

(Notification No. 87/UHC/Admin.B/2020, Dated 12.04.2020)

- 1.** Applications from Police and Prosecution, as the case may be, for hearing in the matters relating to investigation, as far as possible be received through their official e-mail addresses and priority be given to hearing through video conferencing on such applications.
- 2.** Where such applications alongwith supporting documents, if any, are e-mailed to a Court, unless there is necessity of their hard copies, the Court may, by taking undertaking from the official concerned that as and when the hard copies are requisitioned, same shall be filed in the Court, dispense with requirement of the hard copies.
- 3.** Courts shall receive aforesaid application/papers in the soft copies through their official e-mail addresses, and for this purpose, the e-mail addresses of all the Courts shall be displayed in the official website of the District Judgeship.
- 4.** The application/papers shall be e-mailed in one single properly numbered pdf file, which shall be signed/digitally signed before the scanning/conversion.
- 5.** Where a Court proceeds to hear the matter, as mentioned in Para 2 and 3 of this

Notification through video conferencing, the Nodal Officer of the e-Court Project, with the services of the System Officer/System Assistant, shall ensure technical support for the hearing through video conferencing.

6. The video conferencing shall be held on such date and at such place and time, as fixed by the Court in consultation with the System Officer/System Assistant.
7. The video conferencing shall be held through "**Jitsi Meet**" software and for this purpose, the Advocates, Prosecution Officers, Government Advocates, Police officers *etc.* are required to download and install the said software in their mobile phone/tab/laptop/personal computer/*etc.*, which is available in Google play store/apple free of cost.
8. The mobile phone/tab/laptop/personal computer/*etc.* of the Advocates, Prosecution Officers, Government Advocates, Police Officers are required to have (i) Internet Connection (minimum 2 MBPS), (ii) web camera (adequate resolution 1 MP or above), (iii) speaker and microphone (clear sound), and such other facilities necessary for the aforesaid purpose.
9. Where for any reason, the video conferencing can not be held through "**Jitsi Meet**", the conferencing shall be first held through '**Zoom Cloud Meeting**' software and if the video conferencing can also be not held through this software, in that event, the video conferencing shall be held through **Vidyo Mobile/Desktop** software. The advocates are, therefore, required to download and install these two software in advance, which are also available on Google play store/apple store.
10. No software other than the software stated above, shall be used for the video conferencing.
11. In the video conferencing, Advocates, Prosecution Officers, Government Advocates, Police officers, as the case may be, shall participate from their respective office/residence and they shall follow all protocols which are followed in the normal course and shall ensure that the dignity and decorum of the Court is maintained.
12. During the video conferencing, when Court is in session with one end, the other end, not in session with the Court, shall keep its Microphones on mute mode.
13. All orders/judgments passed by the Courts shall invariably be uploaded in CIS/NJDG and it shall be personal responsibility of Presiding Officers to ensure that the staff concerned has so uploaded the orders/judgments.
14. Where after the hearing, matter is fixed for order/judgment, the Presiding Officer shall inform the parties/advocate concerned that if copy of the order/judgment is required only for the purpose of perusal or for any other purpose for which certified copy is not required, instead of applying for the certified copy, its printout be taken from NJDG.
15. Where certified copy of the order/judgment passed by a Court is required to be presented before any person or authority, the print out of the order obtained in the manner as above, may be presented before such person or authority as substitute for the certified copy, which, in such case, may ascertain the authenticity of the order/judgment by comparing the same with the order uploaded in NJDG, and wherever the authenticity has been so ascertained, the said person or authority shall not press for the certified copy of the order/judgment and shall act upon, as if, the order as presented above, is the certified copy.
16. For the aforesaid purpose, the authority shall also include any other Subordinate Court of the State.

- 17.** The recording of the proceedings held by the Courts through video conferencing shall be strictly prohibited.
- 18.** For the proceedings through video conferencing, besides the guidelines given in this Notification and the Schedule, the Courts shall also follow Standard Operating Procedure (SOP), issued by the High Court of Uttarakhand from time to time for the Subordinate Courts, which shall also be published in the official website of the District Courts for information to all the concerned.

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

Notification No. 88/UHC/Admin.B/2020,

Dated 14.04.2020

Having considered the fact that the lockdown declared by Government of India, is being continued till 03.05.2020, Hon'ble the Chief Justice is pleased to issue following directions in continuation with Notification No. 87/UHC/Admin.B/2020 dated 12.04.2020 of the High Court of Uttarakhand.

1. District Judges/Principal Judge/Judge, Family Courts, shall assess the number of Courts required for the urgent work, as mentioned in the Notification No. 87/UHC/Admin.B/2020 dated 12.04.2020 and the Presiding Officers of the remaining Courts shall work from offices situated in their respective residences.
2. Minimum staff, as decided by the District Judges/Principal Judge/Judge, Family Courts, shall be called for duties.
3. All precautions shall be taken and observed in the court precincts to prevent the spread of the virus.
4. Guidelines issued by the appropriate authorities regarding social distancing shall be strictly followed.

By orders of Hon'ble the Chief Justice

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

Notification No. 89/UHC/Admin.B/2020,

Dated 18.04.2020

Considering the extreme urgency in the pending matters viz. Bail Applications, and for more convenient implementation of the High Court of Uttarakhand Notification No. 86/UHC/Admin.B/2020 dated 11.04.2020 issued for e-filing and hearing through video conferencing in the High Court during the lockdown period declared by Government of India, in continuation of the said Notification, Hon'ble the Chief Justice is pleased to issued following directions -

1. Besides the fresh urgent matters with extreme urgency, urgency in the pending matters *viz.* Bail Applications will also be taken up in the manner as mentioned in the Notification No. 86/UHC/Admin.B/2020 dated 11.04.2020, Schedule appended thereto and the Standard Operating Procedures (SOP) formulated for hearing through video conferencing.
2. In pending matters *viz.* Bail Applications, when urgency applications are filed, the advocates, shall, as far possible, also e-mail scanned copies (**by Cam scanner or Scanning machine etc.**) of relevant papers of the pending matters, like copies of petitions, applications, affidavits, annexure, replies *etc.* held by the advocates in their respective offices, in the PDF format with their index prepared in chronological order.
3. Where a party is not able to make online payment of Court Fee, the advocate concerned may e-file undertaking to the effect that within 3 days from the day, Notification No. 86/UHC/Admin.B/2020 dated 11.04.2020 ceases to have effect, the requisite Court Fee shall be paid/deposited by the party concerned.

Registrar General

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

No. 90 /UHC/Admin.B/2020

Dated 21.04.2020

Having considered the problems being faced by the District Judiciary in hearing through video-conferencing, on the recommendations of Hon'ble e-Committee of the High Court of Uttarakhand, Hon'ble the Chief Justice has been pleased to issue following further directions, in continuation of Notification No. 87/UHC/Admin.B/2020 dated 12.04.2020.

Connectivity

1. Steps be taken to ensure the network connectivity. In case, one service provider is failing in providing proper connectivity, the District Judge Dehradun and/ or other Judicial Officers may get their mobile connections from another service provider and by resorting hotspot, may access the video-conferencing. Request in this regard may be sent to CPC.

Filing of documents

2. A lawyer may give an undertaking to file Vakalatnama within such time after opening of lockdown as the Court may deem fit. In such cases, he may file an application seeking exemption from filing Vakalatnama and he may be asked to mention his name, enrollment number, name of the Bar Council, to which he is enrolled, and Photo ID proof. If feasible, the verification of lawyer may be done from the website of the concerned Bar Council.
3. Parties may also be permitted to file formal affidavits within such time after opening of lockdown as prescribed and they may seek exemption from filing affidavits for the time being.
4. Prosecution may be directed to scan the case diary and send the same through email.

It may be accessed by the Court in soft copy. It may be done, as far as possible, without taking its print-out.

Filing of Bail Bonds

5. Some guidelines have already been issued in SOP issued for the Subordinate Courts. Recourse may be taken to those directions. If necessary, verification of documents may be got done by sending them to concerned authorities through email.

Fixing dates in matters already listed

6. Each Court may fix the next date in the matters already listed from their residential offices. It may be uploaded on the website of the district court concerned and may be publicized that dates in already listed cases has been uploaded on the website.

Hearing of the matters

7. For no purpose, the Hearing shall be conducted in the Courts, except remand. In case of remand, a suitable place in the Court may be ascertained, wherein only the accused along with the concerned security officer would be present, within the stipulated time. No lawyer or prosecutor shall physically appear before the Court, they shall be connected through video-conferencing only. Even in cases, where legal-aid counsel is provided, the legal-aid counsel shall also appear through video-conferencing.
8. It be ensured that lawyers are not personally appearing even at the time of first remand, they may argue through video-conferencing only.

By the Order of Hon'ble the Chief Justice

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

Notification No.92 /UHC/Admin.B/2020,

Dated 03.05.2020

Having considered need of hearing in pending matters arising from urgency, and with a view to make procedure for hearing through Video Conferencing more convenient, in continuation with, and in partial modification of the High Court of Uttarakhand Notification No. 86/UHC/Admin.B/2020 dated 11.04.2020 read with Notification No. 89/UHC/Admin.B/2020 dated 18.04.2020, Hon'ble the Chief Justice is pleased to issue following directions to be applicable with immediate effect-

1. Apart from such other matters, which Hon'ble the Chief Justice deems fit and appropriate for urgent hearing through Video Conferencing, following types of cases, fresh or otherwise, will be processed for the urgent hearing through Video Conferencing, in the manner provided in the High Court of Uttarakhand Notification No. 85/UHC/Admin.B/2020 dated 11.04.2020 read with the Notification No. 89/UHC/Admin.B/2020 dated 18.04.2020-

(A) Public Interest Litigations

(B) Bail Applications

(C) Criminal Appeals against conviction

(D) Criminal Revisions against orders confirming conviction

(E) Writ Petitions Criminal (WPCRL)

(F) Writ Petitions (Habeas Corpus)

(G) Writ Petitions seeking relief against eviction, ejection, dispossession from property, or its demolition

(H) Writ Petitions seeking relief against attachment, auction or any other similar legal recourse affecting the property.

2. Where, while requesting for the urgent hearing in the format prescribed in this regard, it is informed by the advocate that no further application, documents etc. are to be filed/e-mailed by him in such already pending matter like Bail Matter etc., and requests that for this reason, the matter be listed before the Court, as it is, and the prayer for urgent hearing through Video Conferencing in such matter is accepted by Hon'ble the Chief Justice, the matter be forthwith listed before such Bench, as may be constituted for that purpose.

By orders of Hon'ble the Chief Justice

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

Notification No. 96/UHC/Admin.B/2020,

Dated 08.05.2020

Since for payment of Court Fees on various Petitions, Applications, etc., filed in the High Court of Uttarakhand, facility of e-payment of the said Fees has been introduced and is operational since 05.05.2020 (**link for the e-payment, S.O.P. and contact details of the officer of the High Court for more convenient e-payment of the Court Fees are available in official website of the Court**), therefore, Hon'ble the Chief Justice is pleased to direct that Para-3 of the Notification No. 89/UHC/Admin.B/2020 dated 18.04.2020, shall cease to have effect and the petitions, applications etc. e-filed after this Notification, shall not be entertained, unless proof of payment of Court Fee, as provided in Para-2 of the Schedule appended to Notification No. 86/UHC/Admin.13/2020 dated 11.04.2020 is furnished by the advocates/parties concerned.

By orders of Hon'ble the Chief Justice

HIGH COURT OF UTTARAKHAND, AT NAINITAL**NOTIFICATION****Notification No. 99/UHC/Admin.B/2020,****Dated 19.05.2020**

Having considered the new guidelines issued by the Government of India, regarding public movement and activities during COVID-19 Pandemic and consequential guidelines issued by the State Government, in supersession of the High Court of Uttarakhand Notification No. 86/UHC/Admin.B/2020 dated 11.04.2020, read with Notifications issued in consequence thereof, Hon'ble the Chief Justice is pleased to order for working in the High Court, with following directions being issued, essential for health precautions in the larger public interest-

- 1.** The business of the High Court of Uttarakhand shall be transacted for following types of cases, fresh or otherwise, till further orders-
 - (A)** Public Interest Litigations
 - (B)** Bail Applications
 - (C)** Criminal Appeals against convictions
 - (D)** Criminal Revisions against orders confirming convictions
 - (E)** Writ Petitions Criminal (WPCRL)
 - (F)** Writ Petitions (*Habeas Corpus*)
 - (G)** Writ Petitions seeking relief against eviction, ejectment, dispossession from property, or its demolition
 - (H)** Writ Petitions seeking relief against attachment, auction or any other similar legal recourse affecting the property.
 - (I)** Writ Petitions against orders passed by Courts/Tribunals subordinate to the High Court, or Adjudicatory Bodies, Boards, Commissions, Forums, Authorities *etc.* having jurisdiction over whole of the territory of the State, or any part thereof.
 - (J)** Writ Petitions against any major penalty passed in departmental proceedings.
 - (K)** Writ Petitions seeking relief in respect of recruitment, selection, promotion or transfer orders issued during the lockdown period.
 - (L)** Writ Petitions seeking relief in respect of admission in educational institutions, or for relief in respect of examinations conducted by such institutions.
 - (M)** Special Appeals, where applicable, against order passed in aforesaid matters.
 - (N)** Caveat Application.
- 2.** For the present, other matters, fresh or pending, including pending civil matters, shall be taken up with urgency application, in the same manner, matters are taken up during winter vacation of the Court
- 3.** The filing shall be from 10:00 AM to 1:30 P.M., and fresh matters shall be listed on third day, save in cases, where the Court is closed on the third day, in which case, the matters shall be listed on the first working day of the Court, falling immediately after such third day.
- 4.** Where Registry is closed a day before the third day, matters shall be listed on first working day of the Court, falling immediately after the third day.

- 5.** Without prior approval of Hon'ble the Chief Justice, not more than 25 matters shall be listed before a Bench for one working day, and for this purpose, all connected/bunched matters shall be counted, as if it is one matter.
- 6.** All Petitions, Applications, Replies, Counter Affidavits, Rejoinders, Documents, Papers *etc.* shall be filed in hard copies, as they are filed in normal days. In addition, soft copies in PDF of such hard copies shall also be provided by e-mail to Institution Section, or Judicial Sections concerned, in their respective e-mail addresses, given in the official website of the High Court.
- 7.** The token number of the filing shall be communicated to advocates/parties by return e-mail to e-mail addresses from which soft copies are received, as above.
- 8.** The hard copies, as received above, shall not be handled by staff other than the staff deputed to receive/handle such copies. The hard copies, shall be kept in safe and earmarked place, and shall be processed on the next working day.
- 9.** Where defects, if any, are pointed out by Registry, they shall be communicated to the advocate concerned, only by e-mail or any other electronic mode of communication, and the matters shall be listed with defects, as they are listed during vacation of the High Court.
- 10.** Without affecting discretion of the Hon'ble Judges to hold Courts from respective Court rooms in actual physical presence of advocates, hearing of cases shall be through Video Conferencing either from chambers in the High Court premises, or from residences of the Hon'ble Judges.
- 11.** In pending matters, where there is request of the Registry to the advocates/parties concerned, they shall, as far as possible, e-mail the scanned copies (by cam scanner or scanning machine) of the relevant papers of the pending matters, like copies of petitions, applications, affidavits, annexure, replies *etc.* held by them in their respective offices, in the PDF format, in chronological order. The scanned copies shall be e-mailed to the concerned Section of the Registry.
- 12.** Entries in the High Court premises shall be strictly regulated and shall only be with gate pass.
- 13.** No person other than the High Court personnel, or personnel of other service provider Departments/Organizations, established in the High Court premises, shall be issued gate pass to enter High Court premises, unless while applying for the gate pass, such person (advocate or advocate's staff or party *etc.*), furnishes a self declaration to the effect that he has been in Nainital/Bhowali/Bhimtal town or any other place situated within radius of 15 K.M. from the High Court, for not less than last 15 continuous days and has not experienced any symptoms of COVID-19 disease.
- 14.** Only such advocates/parties shall be issued gate pass, whose cases are listed for hearing on that day. Gate pass shall also be issued to only such advocate's staff, whose presence is necessary for filing, for obtaining certified copy *etc.*
- 15.** All officers, staff, advocates, parties *etc.* shall cover their face with mask, and shall follow the norms of social distancing and guidelines issued by the Government/Local Authorities, regarding COVID 19 disease, when they enter the High Court premises.
- 16.** Nothing in this Notification shall affect matters already listed for hearing through video conferencing under the High Court Notification No. 86/UHC/Admin.B/2020 dated

11.04.2020.

- 17.** Advocates/parties shall provide hard copies of petitions, applications, replies *etc.*, whose soft copies have been filed under the aforesaid Notification, within three working days from date of this Notification.
- 18.** Matters, pending or otherwise, which have already been considered for urgent hearing through video conferencing in accordance with the aforesaid Notification and remain to be listed, shall be listed only after hard copies of the Petitions, Applications *etc.* are filed by the advocates/parties.

By orders of Hon'ble the Chief Justice

HIGH COURT OF UTTARAKHAND, AT – NAINITAL

NOTIFICATION

No. 100/UHC/Admin. B/2020

Dated: May 26, 2020.

In view of COVID-19 pandemic, and the restrictions put in place by the appropriate authorities, Hon'ble the Court, has been pleased to issue following directions for the functioning of Subordinate Courts, which shall be in force till further orders.

1. Court proceedings shall be conducted as per the directions issued vide letter no. 2191/UHC/Admin. B/2020 Dated: May 26, 2020.
2. Before opening of a Court, District Judge shall ensure complete sanitisation and cleaning of entire court campus, particularly sanitisation of the court rooms, which will be functional on that day.
3. In addition to extremely urgent matters such as, Bail Applications, Remand matters, Injunctions/stay applications and Statement under Section 164 CrPC, being taken up till now, District and Sessions Judge of each district may also consider court working in the following nature of cases, considering that it will not involve any major appreciation of evidence, and their disposal can be made easily.
 - A. Traffic challan cases under the Motor Vehicles Act.
 - B. Cases which have reached a stage and now to be decided by settlement or compromise between the parties.
 - C. Confessions.
 - D. Release of vehicles.
 - E. Petty cases relating to Excise Act.
 - F. MACT cases.
 - G. Criminal revisions.
 - H. Civil revisions.
 - I. Statement of accused under Section 313 Cr.P.C.
 - J. Matter relating to Section 251 Cr.P.C.

4. Apart from that, there are special nature of cases, such as cases under POCSO where at least the child victim should be examined without delay. In such cases the court concern shall make effort to examine the witness without further delay, after adopting due process.
5. For criminal trials where the entire prosecution witnesses have been examined, the statement of the accused must be recorded immediately under Section 313 of Cr.P.C. and where the defence does not have any witness for examination or where defence witnesses have also been examined, the court may list the case for arguments.
6. The same goes for civil trials as well. Where all the witnesses have been examined, the matter may be fixed for arguments with consent of both the parties.
7. All other matters shall be adjourned suitably subject to further directions, where all the concerned parties and stake holders shall be informed.
8. Copy of each bail application be provided to the Prosecution/DGC and arrangement must be made for communicating the same to them and a mechanism must be in place to ensure that the Public Prosecutor/DGC is well communicated of these applications. As far as possible, the bail application be decide on the same day itself, particularly for minor offences.
9. Such lawyers who have urgent matter before the court but would like to argue through video-conferencing shall be permitted to do the same, depending upon the functioning and the availability of video conferencing facility in the courts.
10. The concerned District & Sessions Judge are authorized to depute only bare essential judicial officers on rotational basis in each court complex for hearing of the above urgent matters. Only these officers will be required to come to the court as they have been deputed by the concerned District & Sessions Judge for the urgent court work. The remaining judicial officers, however, though shall not attend the office, but nevertheless shall remain available at home during office timings.
11. No officer shall leave the station without prior intimation to the concerned District Judge and approval from the concerned Administrative Judge. It is made clear that unless and until an approval/permission is conveyed to such a judicial officer, he shall not leave the station. In other words, leave applications hereinafter shall not be given on a routine basis.
12. Only bare essential court staff required to manage the above urgent work shall be called in the campus on rotation basis. Sitting arrangement of the staff, whether in the court or in the office or at any other place shall be in such a manner which shall strictly maintain the required physical distance. The remaining staff which is not being asked to come to the court shall, however, remain available at home during official timings.
13. Staff members shall not leave the station without prior intimation to the concerned Judicial Officer and approval from the concerned District Judge. It is made clear that unless and until an approval/permission is conveyed to such a staff, he shall not leave the station. In other words, leave applications hereinafter shall not be given on a routine basis.
14. The judicial officers who have been deputed for urgent work shall hold court between 10:30 a.m. to 02:00 p.m. Each District Judge, however, shall be at liberty to make adjustment in the court timings depending upon the restrictions in the District and convenience of litigants and lawyers.
15. In order to minimize the physical presence of lawyers, litigants and para legals in the court rooms, the furniture of each court room, if required, be rearranged. Minimum of chair/table be placed to ensure physical distancing. If need be, there should not be more than 4 to 6 chairs in a court room at a required place. Similarly, the distance of the dias be

appropriately adjusted. Lawyers will now have to address the court from a proper distance.

16. The court shall not insist on the presence of the parties, except in extremely urgent and essential cases where the presence cannot be dispensed with.
17. No adverse order shall be passed for non-appearance of the parties and the request for exemption of accused/complainant/witness shall be accordingly considered.
18. The court concerned shall ask the lawyer, in advance to submit a soft copy of the application online. For this purpose a dedicated email be created (unless already done) by each district court. This shall also be widely published on the website of the district court. All the same, where it is not possible, the court shall not insist and accept a hard copy. While doing so all necessary precaution regarding sanitisation, etc. shall be taken. For these purposes court-wise drop boxes may be placed at an appropriate place in the court premises, so that the lawyers/litigants may drop the urgent applications in such boxes. Same may also be done for copying department. Documents collected in these drop boxes shall not be touched/handled by the staff same day, but shall be kept within the drop box at a dedicated place after the expiry of time. These documents would be taken out from the drop boxes next day at 09:30 a.m. and shall be sent to the court concerned/copying department for further necessary action. Lawyers/litigants may drop their applications in these drop boxes between 10:30 A.M. to 01:30 P.M. on each working day.
19. The District & Sessions Judge of each district shall apprise the concerned Bar Association through its office bearers and request them to spread awareness amongst the Bar members, so that they may only come to the Court, when they are urgently required, and may also persuade the litigants not to visit the court campus, unless it is extremely urgent.
20. The entry of law students and interns shall remain prohibited in court campus until further orders.
21. Entry of Oath Commissioners, Stamp vendors and typists shall be limited and one or maximum two of oath commissioners, stamp vendors and typists shall be allowed to provide their services in the court campus. Changes be made of oath commissioners, stamp vendors and typists on rotational basis, so that each may get a chance.
22. Subject to its size and area of jurisdictions, same restrictions which are applicable in the district court campus will also be applicable for all outlying courts.
23. To avoid public gathering and crowd, no function or any event of mass gathering shall be permitted in the court campus.
24. Mediation proceedings shall be held only by video conferencing unless it is extremely urgent and that can be seen by the concerned judicial officer, on case to case basis.
25. No lawyer shall be allowed to come and sit in his chamber, which is in the court campus. Unless these chambers have already been sealed by the court, the District & Sessions Judge shall take cooperation of the concerned Bar Association in closing down these chambers so that lawyers and litigants do not gather at these places.
26. Since chambers of lawyers will be closed down, the learned District Judge shall provide chairs outside the court and court campus where persons may sit, by making a distance.
27. All canteens, cafeterias, eating joints or shops of any kind be closed in the court campus, until further orders.
28. Recording of evidence in civil and criminal cases may be postponed, except permitted in this Notification.

29. Inspection of files and records may be stopped for a period of one month.
30. Copy of judgments/orders be made available to the litigants online to ensure that they do not visit the Court complex for this purpose.
31. All the lawyers, para-legals, litigants and witnesses, who enter the court campus should mandatorily be wearing a mask.
32. Each lawyer, para-legal, litigant, witness or any person must undergo thermal screening before they enter the court campus.
33. Only the arguing counsel for the case shall appear in the matter, unless there are plausible reasons shown for appearance of a second lawyer. Meaning one lawyer for each case on a side.
34. Only the lawyer or the litigant whose case has been called shall be present in the case. The remaining in the list may wait outside the court for their turn, as and when their case is called out.
35. A distance of minimum 6 feet shall be maintained between the contesting lawyers. The same distance shall also be maintained between the arguing counsels and the Presiding Judge.
36. Litigant, witness or accused will not be required to sign on any paper, as a mark of his presence in the court. Signature of the Presiding Officer shall be sufficient provided he makes a record of the presence of the concerned parties.
37. Hand sanitizers shall be provided outside of each court room as well as in the offices for use of advocates, court staff as well as litigants. The same goes for the chamber of judicial officers.
38. The court staff which deals with the court files and comes in frequent contact with lawyers, litigants and other visitors shall be provided with suitable mask, gloves as well as sanitizers for regular use during working hours, which shall be provided to them free of cost.
39. In all the court rooms and office, toilets, doors, handles, chairs, tables, gate, railings and other things and other places shall be disinfected regularly, at-least twice a day by fumigation of hypo-chloride and benzoic acid.
40. Smoking and chewing of tobacco products in the Court campus shall be banned and anyone found spitting in the Court campus shall be penalized. This shall also be widely circulated.
41. Subject to the above directions, depending upon any unique contingency, the District Judge shall take appropriate decisions in the matter, though he/she shall promptly inform the Hon'ble Court/concerned Hon'ble the Administrative Judge.

By Orders of the Hon'ble Court

HIGH COURT OF UTTARAKHAND, NAINITAL
NOTIFICATION

No. 101 /UHC/Stationery/2020

Dated: May 27, 2020

The Hon'ble High Court of Uttarakhand has been pleased to declare 01st week of June, 2020 (i.e. 01st to 05th June, 2020) as working days in the High Court of Uttarakhand. In lieu thereof, 03rd October, 21st November, 05th December, 19th December and 26th December, 2020 (all Saturdays) shall be the non-court Working days, for the High Court of Uttarakhand.

By order of the Hon'ble Court

HIGH COURT OF UTTARAKHAND, AT NAINITAL
NOTIFICATION

Notification No. 105/UHC/Admin.B/2020,

Dated: 01.06.2020

Whereas, Notification No. 99/UHC/Admin.B/2020 dated 19.05.2020 has been issued for transaction of business of the High Court of Uttarakhand with normal case filing and hearing through Video Conferencing,

Whereas, the State Government *vide* their orders dated 31.05.2020, have classified District Nainital as Red Zone, with certain restrictions on public movements and activities,

Whereas, it is the considered view of Hon'ble the Chief Justice that litigants residing in other parts of the State may face practical difficulties in performing journeys and making visits to Nainital for getting the petitions, applications, affidavits *etc.* prepared and signed there,

Whereas, difficulties may also be experienced by advocates and litigants in sending certified copies of judgments and orders of the High Court to other parts of the State,

Whereas, there are also some requests for additional time for filing of duly signed copies of Petitions, Applications, Replies, Counters, Papers, Documents *etc.*, copies of which were e-filed under the Notification No. 86/UHC/Admin.B/2020 dated 11.04.2020 of the High Court of Uttarakhand,

Therefore, having considered all the facts and circumstances, Hon'ble the Chief Justice is pleased to issue followings directions, to be applicable with Notification No. 99/UHC/Admin.B/2020 dated 19.05.2020, and till further orders-

1. Where print outs of scanned copies of the Petitions, Applications, Replies, Affidavits, Counter Affidavits, Papers, Documents *etc.*, duly signed by the parties, are filed by advocates with

- applications and undertakings that the actual and ink signed copies thereof shall be filed within two weeks from filing of print outs of such scanned copies, the print outs, duly attested by the advocates in their own signatures with full name and Bar registration number, be entertained by the Registry for purpose of case filing.
2. In particular, where print out of scanned copy of a affidavit duly signed by the party and sworn before a Public Notary, is filed by an advocate with application and undertaking that the actual and ink signed copy of such affidavit, shall be filed within two weeks, the print out of the scanned copy, duly attested by the advocate in his own signature with full name and Bar registration number, be entertained by the Registry for purpose of filing.
 3. Where, print outs of the scanned copies are filed as above, soft copies thereof shall also be provided to the Registry by e-mail to the given e-mail addresses.
 4. Where print out of a judgment/order, uploaded in CIS/DJDG, is presented before any Court/Tribunal subordinate to the High Court or before any Authority or Person, the authenticity of such judgment/order shall be ascertained by such Court/Tribunal or Authority or Person by comparing the same with the judgment/order uploaded in CIS/NJDG, and wherever, authenticity has been so ascertained, the said Court/Tribunal, Authority or Person shall not press for the certified copy, and shall act upon it, as if the judgment/order, as presented above, is the certified copy.
 5. The time for filing of hard and duly signed copies of Petitions, Applications, Replies, Counters, Papers, Documents *etc.*, copies of which were e-filed under the Notification No. 86/UHC/Admin.B/2020 dated 11.04.2020 of the High Court of Uttarakhand, is extended till 15.06.2020 (Monday).

By orders of Hon'ble the Chief Justice

NOTICE No-17

SUBJECT: Filing of Petitions, Applications, Objections, Memorandum of Appeal, duly signed by Advocates.

Nainital being a Red Zone District and certain restrictions on the public movements and activities there, the High Court Bar Association have mentioned some practical difficulties being experienced by the litigants/parties regarding their visits to Nainital to sign Petitions, Applications, Objections, Memorandum of Appeal *etc.*,

2. In view of the above, I am directed to invite kind attention of all the members of the Bar Association that as per the rule 7(i) of Chapter I of the Allahabad High Court Rules, 1952 (as applicable to High Court of Uttarakhand), which is also quoted hereunder, the applications, petitions, objections or memorandum of appeals, presented in Court, may also be signed by advocates appearing on behalf of the parties-

“Every application, petition, objections or memorandum of appeal, presented in Court, shall be signed on every page by the applicant, the petitioner, the objector or the appellant, as the

case may be, or by an advocate appearing on his behalf and shall be dated”.

3. It is further informed that where an application, petition, objection or memorandum of appeal, presented in Court, is signed by the advocate, as per the rule 7(ii) of Chapter I of the said Rules, the affidavit shall be signed by the deponent only. A specimen of the affidavit in precise, usually filed in such cases in various Courts, is appended to this Notice for the ready reference, which may be used with suitable modifications and adaptations.
4. For the convenient filing of affidavits by the parties living in other districts of the State during COVID-19 Pandemic, Notification No. 105/UHC/Admin.B/2020 dated 01.06.2020 has already been issued by the High Court.

By Orders of Hon’ble the Chief Justice

IN THE HIGH COURT OF UTTARAKHAND, AT NAINITAL

AFFIDAVIT IN

WRIT PETITION NO. OF 2020 (MS)

(Under Article 226 of the Constitution of India)

District

ABC

.....PETITIONER

VERSUS

STATE OF UTTARAKHAND & ORS.

.....RESPONDENTS

I, ABC S/o Sh. agedyears, Male presently working as at District and residing at House No.,

.....District Nainital, do hereby solemnly affirm and state on oath as under:

1. That I am the Petitioner in the above mentioned case. I am well conversant with the facts and circumstances of the present case and competent to swear the present affidavit.
2. That the aforesaid Writ Petition is the first Writ Petition of the Petitioner, and no Petition on the same cause of action, with the same facts and for the same relief, have ever been filed by the Petitioner himself or on his behalf.
3. That I have gone through the Writ Petition, Stay Application, Exemption

Application etc., and all their annexure, which have been prepared by my advocate Sh. on my instructions. All the contents of the Writ Petition, Applications, have been shown to me. They have been read over to me in the vernacular, and have also been explained to me. I admit the facts stated in the Writ Petition, Applications etc., which have been signed by my aforesaid advocate on my behalf.

4. I further state that the annexure to the Writ Petition, Applications etc., duly signed by my advocate on my behalf, are true copies of their respective originals, which have been provided by me to the said advocate.

Deponent

Note: Remaining Part of the Affidavit, as usual.

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

Notification No. 180/UHC/Admin.B/2020,

Dated: 20.06.2020

For more convenient transaction of business of the High Court of Uttarakhand, in partial modification of High Court Notification No. 99/UHC/Admin.B/2020 Dated 19.05.2020 read with Notification No. 105/UHC/Admin.B/2020 Dated 01.06.2020, Hon'ble the Chief Justice is pleased to issue following directions-

- 1.** Para 1 and Para 2 of the Notification No. 99/UHC/Admin.B/2020/ Dated 19.05.2020 are substituted with the following Para-

1. *The business of the High Court of Uttarakhand shall be transacted for all types of cases, fresh or otherwise, in the manner provided hereunder.*

- 2.** Para 5 of the aforesaid Notification is deleted.

By orders of Hon'ble the Chief Justice

HIGH COURT OF UTTARAKHAND
NAINITAL

NOTIFICATION

No. 186/UHC/Admin.B/2020

Dated: June 30, 2020.

In continuation to this Court's Notification No. 100/UHC/Admin.B/2020 dated May 26, 2020, Hon'ble the Court has been pleased to modify the Para 11 of the said Notification as under:

“The District Judges/Principal Judges/Judges, Family Courts are authorised to sanction Casual Leaves/Station Leave of Judicial Officers, other than for officers under suspension”.

By Order of the Court

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

➤ HIGH COURT OF UTTARAKHAND (From 01.04.2020 to 30.06.2020)

						Pendency (As on 01.04.2020)		
						Civil Cases	Criminal Cases	Total Pendency
						22706	14046	36752
Institution (01.04.2020 to 30.06.2020)			Disposal (01.04.2020 to 30.06.2020)			Pendency (As on 30.06.2020)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.2020
1134	1265	2399	551	993	1544	23289	14318	37607

District Courts

(From 01.04.2020 to 30.06.2020)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.2020
		Opening Balance as on 01.04.20	Institution from 01.04.20 to 30.06.20	Disposal from 01.04.20 to 30.06.20	Pendency at the end of 30.06.20	Opening Balance as on 01.04.20	Institution from 01.04.20 to 30.06.20	Disposal from 01.04.20 to 30.06.20	Pendency at the end of 30.06.20	
1.	Almora	306	5	2	309	964	135	118	981	1290
2.	Bageshwar	133	4	1	136	295	132	84	343	479
3.	Chamoli	281	10	6	285	773	396	230	939	1224
4.	Champawat	194	1	0	195	1246	407	298	1355	1550
5.	Dehradun	11310	1039	790	11559	69033	6770	2489	73314	84873
6.	Haridwar	10112	133	53	10192	45140	4260	3155	46245	56437
7.	Nainital	2175	138	112	2201	14331	3637	2326	15642	17843
8.	Pauri Garhwal	956	18	2	972	2940	617	216	3341	4313
9.	Pithoragarh	496	2	12	486	1500	889	534	1855	2341
10.	Rudraprayag	105	0	1	104	333	10	5	338	442
11.	Tehri Garhwal	337	49	44	342	1867	1003	488	2382	2724
12.	Udham Singh Nagar	4989	303	258	5034	33647	3806	1673	35780	40814
13.	Uttarkashi	539	13	65	487	1231	309	132	1408	1895
	Total	31933	1715	1346	32302	173300	22371	11748	183923	216225

Family Courts

(From 01.04.2020 to 30.06.2020)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.2020
		Opening Balance as on 01.04.20	Institution from 01.04.20 to 30.06.20	Disposal from 01.04.20 to 30.06.20	Pendency at the end of 30.06.20	Opening Balance as on 01.04.20	Institution from 01.04.20 to 30.06.20	Disposal from 01.04.20 to 30.06.20	Pendency at the end of 30.06.20	
1.	Almora	78	1	0	79	97	0	0	97	176
2.	Dehradun	1657	34	33	1658	927	18	5	940	2598
3.	Rishikesh	278	10	1	287	222	3	0	225	512
4.	Vikasnagar	130	2	1	131	223	1	3	221	352
5.	Nainital	211	5	2	214	279	8	1	286	500
6.	Haldwani	499	18	5	512	729	20	1	748	1260
7.	Haridwar	683	36	10	709	780	24	2	802	1511
8.	Roorkee	642	44	10	676	837	20	1	856	1532
9.	Laksar	93	18	1	110	111	6	0	117	227
10.	Kotdwar	221	6	7	220	346	12	1	357	577
11.	Pauri Garhwal	78	0	0	78	95	1	0	96	174
12.	Tehri Garhwal	71	5	0	76	43	1	0	44	120
13.	U.S.Nagar	405	28	11	422	527	11	0	538	960
14.	Kashipur	400	6	0	406	438	5	0	443	849
15.	Khatima	169	0	0	169	218	0	0	218	387
	Total	5615	213	81	5747	5872	130	14	5988	11735

Disposal during COVID-19 (Corona Virus) in the High Court**(from 01.04.2020 to 30.06.2020)**

Main Cases	Misc. Applications	Total
1516	2605	4121

**Disposal during COVID-19 (Corona Virus) in the
Subordinate Courts**

(from 01.04.2020 to 30.06.2020)

Sl. N o.	Nam of the District	Via Physical Mode	Via V.C. Mode	Total
1.	Almora	133	30	163
2.	Bageshwar	73	28	101
3.	Chamoli	120	29	149
4.	Champawat	277	36	313
5.	Dehradun	1403	158	1561
6.	Hardwar	1013	975	1988
7.	Nainital	458	266	724
8.	Pauri Garhwal	167	43	210
9.	Pithoragarh	220	112	332
10.	Rudraprayag	4	27	31
11.	Tehri Garhwal	124	44	168
12.	Udham Singh Nagar	453	1626	2079
13.	Uttarkashi	135	75	210
	Total	4580	3449	8029

Disposal of the Family Court during COVID-19
(Corona Virus)

Sl.No.	Name of the Family Court	Via Physical Mode	Via V.C. Mode	Total
1.	Almora	0	0	0
2.	Principle Judge Dehradun	30	2	32
3.	Additional Judge Dehradun	11	0	11
4.	Rishikesh	1	0	1
5.	Vikasnagar	3	3	6
6.	Hardwar	12	1	13
7.	Roorkee	0	10	10
8.	Laksar	14	0	14
9.	Nainital	2	0	2
10.	Haldwani	5	0	5
11.	Pauri Garhwal	0	0	0
12.	Kotdwar	7	0	7
13.	Tehri Garhwal	0	0	0
14.	U.S. Nagar	3	38	41
15.	Kashipur	0	0	0
16.	Khatima	0	0	0
	Total	88	54	142
	Grand Total	4668	3503	8171

Division Bench Judgments

1. ***In WPPIL No. 22 of 2020 Mohd. Naved vs. State of Uttarakhand and others***, decided on 29.05.2020, the bench observed that ordinarily, a discretion conferred by a statute on any authority is intended to be exercised by that authority, and by no other. But the intention may be negated by any contrary indication in the language, scope or object of the Statute.

The validity of the notification dated 09.06.2017, delegating powers under Section 138 of the Act to the District Magistrate, is upheld. Since the requirement of the first proviso to Section 138(4) would apply in the case of suspension also, the Village Pradhans, whom the District Magistrates seek to place under suspension, must be given a show cause notice furnishing details as to why such action is proposed to be taken. The Village Pradhan should also be given a reasonable opportunity of submitting a representation thereto, a reasoned order should be passed by the District Magistrate thereafter, and only then may action, if need be, be taken by the District Magistrate to place the concerned Gram Pradhan under suspension

2. ***In WPPIL No. 07 of 2020, Rural Litigation and Entitlement Kendra vs. State of Uttarakhand and others***, decided on 09.06.2020, the Court observed that any attempt by the State Legislature to enact a law only to overrule a judicial decision violates the doctrine of separation of powers which is an entrenched principle in the Constitution of India, even though there is no specific provision therein. Independence of Courts from the Executive and the Legislature is fundamental to the rule of law, and is one of the basic tenets of the Indian Constitution. The doctrine of separation of powers between the three organs of the State —Legislature, Executive and the Judiciary is a consequence of the principles of equality enshrined in Article 14 of the Constitution of India. Consequently, a law can be set aside on the ground that it breaches this doctrine, since that would amount to negation of equality under Article 14 of the Constitution of India. The doctrine of separation of powers applies to the final judgments of the Courts.

While adjudication of rights is essentially a judicial function, the power to validate an invalid law or to legalise an illegal action is within the exclusive province of the Legislature. Exercise of that power by the Legislature is not, therefore,

an encroachment on the judicial power of the Court. Though it cannot directly override the judicial decision, the Legislature retains plenary power, under Articles 245, 246 and 248, to alter the law as settled or declared by judicial decisions,

A prior judicial pronouncement declaring an Act, proceedings or rule to be invalid is, however, not a condition precedent for the enactment of a Validation Act. Such a piece of legislation may be enacted to remove even a perceived invalidity which the Court has had no opportunity to adjudge. Absence of a judicial pronouncement is not, therefore, of much significance for determining whether or not the legislation is a validating law. Viewed from any angle, we are satisfied that the Uttarakhand State Legislature had the power to make Act 5 of 2020 under Article 246(3) read with Entry 40 of List II of the Seventh Schedule to the Constitution. The object of any legislation must be lawful, and no law conferring largesse on a few can be upheld on the touchstone of Article 14 without the object, sought to be achieved by conferment of such benefits upon the former Chief Ministers, being disclosed.

3. *In WPSB No. 153 of 2013, Bhuwan Chandra Pandey vs. Union of India and others* decided on 15.06.2020, the Court observed that although the Court cannot sit in appeal over the findings recorded by the Disciplinary Authority or the Enquiry Officer in a departmental enquiry, it does not mean that in no circumstance can the Court interfere. The power of judicial review, available to a High Court under the Constitution, takes in its stride the domestic enquiry as well, and the Courts can interfere with the conclusions reached therein if there is no evidence to support the findings or the findings recorded were such as could not have been reached by an ordinary prudent man or the findings were perverse.

It is further observed that the jurisdiction to issue a writ of certiorari is supervisory, and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal, as a result of appreciation of evidence, cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that, in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which had influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari.

As elaborate reasons have been assigned by the Enquiry Committee in recording findings of guilt against the petitioner in its enquiry report, and as the findings and conclusions of the Enquiry Committee had also been accepted by the Disciplinary Authority, it was unnecessary for the appellate authority to assign separate reasons in affirming the order of the appointing/disciplinary authority. The petitioner has not been able to show which of his contentions in his written brief has not been considered by the inquiry committee, and how he has suffered any prejudice thereby. The petitioner has not disclosed the basis for his submission that the inquiry was not impartial or independent, or that the enquiry committee had acted on the instructions of the disciplinary authority. Allegations of *malafides* would necessitate examination by a Court only if the person, against whom malice is alleged, is arrayed as a respondent eo-nominee, and is given an opportunity of being heard on these allegations.

Article 311(1) provides that no person, who is a member of the Civil Service of the Union or of an All India Service, or holds a civil post under the Union, shall be dismissed or removed by an authority subordinate to that by which he was appointed. This Article does not, in specific terms, require that the authority, empowered under that provision to dismiss or remove an official, should itself initiate or conduct the enquiry preceding the dismissal or removal of the officer, or even that the enquiry should be held at his instance. The only right guaranteed to a civil servant under that provision is that he shall not be dismissed or removed by an authority subordinate to that by which he was appointed.

The embargo imposed by Article 311(2) is on the imposition of punishment of dismissal / removal by an authority lower in rank than the appointing authority. Protection, even under the said Article, does not extend to initiation of disciplinary proceedings or for cancellation of the earlier charge-sheet. Moreover, the order cancelling the earlier charge-sheet was only in terms of the liberty granted by the Tribunal in its order in O.A. No. 1632 of 2003 dated 18.03.2005, and in compliance with its directions that major penalty proceedings, under Rule 14 of the 1965 Rules, could not be initiated based on the earlier charge-sheet dated 08.10.1999 issued under Rule 16 of the 1965 Rules which relates to minor penalty proceedings. In such circumstances, mere cancellation of the earlier charge-sheet, by an authority lower in rank than the officer who had issued it earlier, is of no consequence, more so as no constitutional or statutory protection is conferred on a delinquent employee in this regard.

In the present case the Disciplinary Authority imposed, on the petitioner, the punishment of dismissal from service after concurring with the findings and conclusions of the Inquiry Committee that both Charges 1 and 2 were proved. The first charge, as noted hereinabove, related to sexual abuse and molestation by a superior paramilitary officer over his subordinate lady trainee. In the Paramilitary Forces, where the need to maintain discipline is of a very high order, such acts of a superior officer, in taking advantage of the vulnerability of a subordinate lady trainee and in indulging in such heinous acts of molestation and sexual abuse, justified the deterrent punishment of dismissal from service being imposed on him. Under no circumstances, be it in the Paramilitary Forces or elsewhere, can such acts either be condoned or a lenient view be taken thereof. The second charge, as held established is that the petitioner, after having indulged in such heinous acts, as also his father who was a high ranked official, in the cadre of Deputy Inspector General in the Sashastra Seema Bal, had sought to pressurize the complainant to withdraw the complaint. Since the authorities concerned have not exercised their powers under Rule 353, suffice it to permit the petitioner to make a representation to the competent authority requesting him to exercise his powers under Rule 353. On any such representation being made, the competent authority shall, within a period of one month from the date of receipt of any such representation, consider the petitioner's claim, for grant of compassionate allowance, in accordance with law, and pass appropriate orders thereupon.

4. *In WPSB No. 39 of 2020, Shyam Lal and another vs. State of Uttarakhand and others*, decided on 23.06.2020, the Bench observed that though both Courts and Tribunals discharge similar judicial functions, there are certain well-recognised differences between them. Courts are established by the State and are entrusted with the State's inherent judicial power for administration of justice in general. Tribunals are established under a Statute to adjudicate disputes or disputes of a specified nature. While Courts are governed by detailed statutorily prescribed procedural rules, in particular the Code of Civil Procedure and the Evidence Act, requiring an elaborate procedure to be followed in decision making, Tribunals generally regulate their own procedure applying the provisions of the Code of Civil Procedure only where it is required, and without being restricted by the strict rules of the Evidence Act. The 1976 Act does not contain any specific provision conferring power on the Tribunal, constituted under the said Act, to decide questions relating to the vires of statutory provisions and Rules. The power to create or enlarge jurisdiction is legislative in character. The Legislature alone can do it by

law and no court, whether superior or inferior or both combined, can enlarge the jurisdiction of a Court. . In the absence of any such power being conferred on it by the Legislature, it is not the function of this Court to confer any such jurisdiction on the Tribunal constituted under the 1976 Act, for the jurisdiction of a Court/Tribunal can be created, enlarged or divested only by the Legislature, and not by the Court. The High Court would not ordinarily, in the exercise of its power of judicial review, prescribe functions to be discharged by the Tribunal which the State Legislature has not stipulated.

5. *In WPSB No. 423 of 2019, Professor G. S. Tomar vs. State of Uttarakhand and others decided* on 23.06.2020, the Court observed that Failure of the respondents to intimate the petitioner that he stood first in the merit-list of selected candidates, pursuant to the selection process undertaken in terms of the advertisement issued in March, 2015, and in offering appointment to the second candidate in the merit list, is ex-facie arbitrary and illegal. The respondents' contention that the petitioner had already been appointed as the Director of the THDC Institute (another State Government Institution) by then, did not absolve them of their obligation to inform the petitioner that he was entitled to be appointed as the Director, GBPIET for the choice, whether to continue as the Director, THDC Institute or to join the office of Director, GBPIET, was for the petitioner to make, and not for the respondents to impose. If the petitioner had been intimated of his selection, it was then open to him to exercise his option to either resign as the Director, THDC Institute and join the office of Director, GBPIET, or to continue as the Director of the THDC Institute. By their failure to so intimate the petitioner, the respondents have acted in violation of Article 14, as the petitioner has been arbitrarily and illegally deprived of his right to be appointed as the Director, GBPIET though he stood first in the order of merit.

While we are satisfied that the respondents have acted arbitrarily in proceeding on the premise that, since the petitioner was working as the Director, THDC Institute from February, 2016, prior to completion of the selection process for the post of Director, GBPIET in July-August, 2016, he was not entitled to be appointed as the Director-GBPIET despite his having stood first in the merit list of selected candidates, the question which necessitates examination is the nature of the relief which the petitioner is entitled to at this belated stage. As noted hereinabove, the second most meritorious candidate (next in the merit list below the petitioner) i.e. Professor Pandey was appointed as the Director, GBPIET in August, 2016 for a period of three years, This three year period ended in August, 2019. Even if the petitioner had been appointed to the said post, his tenure as the Director,

GBPIET would have ended by August, 2019 nearly a year ago. It would be wholly inappropriate for us, at this belated stage, to now issue a mandamus to the respondents to consider appointing the petitioner as the Director, GBPIET.

It is true that no candidate, by mere selection, has a legal right to be appointed. In terms of Article 16 of the Constitution of India, he has only a right to be considered for selection and appointment. Ordinarily, notification of posts is merely an invitation to the qualified candidates to apply for recruitment and, on their selection, they do not acquire any right to the post. Unless the relevant recruitment rules so provide, the State is under no legal duty to fill up all or any of the vacancies. Notification of vacancies for appointment, and a candidate being found fit for selection, does not mean that the successful candidate can claim to be appointed as of right. By his mere selection, the candidate acquires no indefeasible right for appointment even against existing vacancies.

While the petitioner has no doubt stated that cancellation of the selection process was for extraneous reasons, and was only to continue the In-charge Director in office without resorting to a regular process of selection, he has neither furnished details of the person responsible for such illegal acts, nor has he arrayed him as a respondent *eo-nominee* in the present writ petition. Allegations of malice can only be examined, if the person against whom malice is alleged is arrayed as a respondent *eo-nominee* in the writ petition. Nothing prevented the petitioner from challenging the action of the respondents, in continuing the In-charge Director in office for such a long period, by arraying the person responsible for the same as a respondent-*eo-nominee*. Failure of the petitioner to do so, disables this Court from examining the matter.

Single Bench Judgments

1. *In C-482 No. 593 of 2014, Ahsan Ansari vs. Ramvatar Dutta*, decided on 27.05.2020, the Court observed that the inherent powers under Section 482 of the Code include powers to quash F.I.R., investigation or any criminal proceedings pending before any court subordinate to it. Such power can be exercised to secure ends of Justice, to prevent abuse of process of any court and to make such orders as may be necessary to give effect to any order under this Code, depending upon the facts of a given case.

The inherent powers of the Court can be invoked in three situations indicated in Section 482 of the Code :

- (i) in order to give effect to an order passed under the Code, or
- (ii) to prevent abuse of process of the Court, and
- (iii) to secure the ends of Justice.

Such powers should be exercised in appropriate cases, *ex debito justitiae* to do real and substantial justice.

2. ***In Criminal Misc. Application No.1016 of 2015, State of Uttarakhand vs. Bhuwan Chandra Joshi and others, along with Criminal Revision No. 145 of 2015, Bhuwan Chandra Joshi and others vs. State of Uttarakhand and others***, decided on 27.05.2020, the Court observed that it flows that application under Section 321 of the Code may be filed by the Public Prosecutor, after having applied his mind, to all the relevant materials and in good faith having been satisfied that public interest will be served by withdrawal from the prosecution.

Undoubtedly, the State Government may also ask the Public Prosecutor to withdraw from the prosecution, but then if the State Government has some material that has to be provided to the Public Prosecutor, in-charge of the case to consider and form his independent opinion about the exigency of withdrawal from the prosecution. The Public Prosecutor, in-charge of the case cannot just act like a messenger of the State Government, like a post office to forward the letter received from the State Government to the Court.

It is further observed that the above procedure adopted for withdrawal from the prosecution speaks in volume. The guidelines laid down under Section 321 of the Code by the Hon'ble Supreme Court were violated with impunity. The Chief Minister on 31.07.2014 ordered for withdrawal from the prosecution against opinion of all, as stated hereinbefore (right from in-charge Prosecutor to the Department of Law and Department of Home opined that prosecution should not be withdrawn). It is the Chief Minister, who while holding the office of Union Minister on 11.07.2013, recommended to the then Chief Minister of the State of Uttarakhand to withdraw from the prosecution. Subsequently, when he became Chief Minister on 31.07.2014, he took a decision himself to withdraw from the prosecution. Law did not permit withdrawal. The role and responsibility of the Chief Minister are also defined under the Constitution. A Chief Minister cannot be above law. He has to take oath before he enters upon his office in accordance with Schedule III to the Constitution, which *inter alia* speaks that "and that I will do right to all manner of people in accordance with the Constitution and the law without fear and favour, affection or ill will". Chief Minister cannot be a law unto himself. Justice cannot

be denied to those who could not reach to the political leaders. Political leaders cannot interfere with the course of justice. It may be a challenge to the independence of judiciary. In the instant case, no one formed the opinion that prosecution should be withdrawn except the Chief Minister. The in-charge Prosecutor had opined against withdrawal from the prosecution. The decision of the Chief Minister is not based on any law. Neither the State (Except Chief Minister) nor the in-charge Prosecutor formed any opinion to withdraw from the prosecution.

It is further observed that this Court is of the view that directions may be issued for streamlining the procedure for withdrawal from the prosecution. It will also help to maintain independence of the in-charge Prosecutor as well as the independence of judiciary. Therefore, the court issues the following directions:-

- (i) Whenever State Government direct for withdrawal from the prosecution under Section 321 of the Code, entire material on the basis of which, such decision has been taken (which includes, letter of recommendation for withdrawal, any report from intelligence agency, etc.) should also be forwarded to the in-charge Prosecutor.
- (ii) The Department of Law, Government of Uttarakhand, while giving opinion on any matter pertaining to Section 321 of the Code, shall categorically cite the statutory provisions as well as the principles laid down by the Courts on the subject. Department of Law shall base the opinion on statute and/or precedents.
- (iii) The in-charge Prosecutor shall form his INDEPENDENT OPINION on the basis of material supplied to him by the State Government. He shall file application under Section 321 of the Code only when he is satisfied that the withdrawal from the prosecution would subserve the cause of public interest.
- (iv) The in-charge Prosecutor shall submit to the Court entire material received by him from the State Government alongwith his OPINION for withdrawal from the prosecution. In his application he shall also set out in brief as to what material did he consider to form his OPINION.
- (v) In case, the in-charge Prosecutor, after collecting the material supplied to him by the State Government, is of the opinion that the withdrawal from the prosecution is not in public interest, he will return the material to the State Government alongwith his OPINION.

- (vi) In case, the in-charge Prosecutor himself considers that the prosecution should be withdrawn, he will submit his report to the State Government seeking permission to withdraw from the prosecution. He shall also submit entire material that has been handed over to him officially, on the basis of which, he had formed such opinion. Once permission is accorded by the State Government, the in-charge Prosecutor shall move application under Section 321 of the Code to the Court alongwith entire material as well as the permission of the State Government.
- (vii) The Court while deciding an application under Section 321 of the Code, shall also consider the material placed before it by the in-charge Prosecutor, to examine as to whether the application has been filed in good faith and it is in the public interest and justice. The Court must also consider the material to see whether the withdrawal would advance the cause of justice and not to thwart or stifle the process of law.
- (viii) In case the in-charge Prosecutor moves an application under Section 321 of the Code, without following the above guidelines, such application shall not be entertained by the Court and it shall be rejected summarily.

3. *In BAI No. 794 of 2020, Ravindra Kumar vs. State of Uttarakhand*, decided on 01.06.2020, the Bench observed that though under the Criminal Law, “common intention” does play a vital role in ascertainment of the purpose for committing a crime, but common intention exclusively cannot be taken as to be a basis for sentencing an accused because it is a “criminal act”, which actually makes a crime effective in order to attain the common intention, which is settled between the co-accused persons. The impact of Section 34 IPC would be, when an act of commission of a crime is established and if there are number of accused persons, then it would be the act of an individual accused for meeting a common intention, which will make them punishable for the offence committed by them. Hence, it is the ultimate consideration of the act for imposing the punishment. In the instant case though there might be a common intention between three accused persons but the act assigned for commission of the crime is distinct to one another. Hence, the applicant cannot draw a parity by drawing the interpretation of Section 34 of the IPC.

In the instant case, act of the person to whom bail has been granted is entirely distinct to that of the present applicant. The co-accused granted bail is not shown

to be in Khaki uniform and he was not the person who had actually committed the theft on the spot. He was person shown to be the owner of the car, and was sitting in the car at the time when the offence was committed by the other co-accused person, including the applicant.

It is further observed that even if, there was a presumption of common intention between the co-accused but the chain of events of commission of act was distinct for the co-accused person. Hence, no parity could be drawn at this stage under Section 34 IPC, particularly, when the applicant in his Bail Application, himself has candidly pleaded that he is petty PRD employee and was working on the instructions passed to him by his Boss, to whom he was attached. Attachment with the official boss, with whom he was working does not entail to engage in criminal act on the instructions of the immediate boss, that too, which being dressed in official uniform.

4. ***In Criminal Misc. Application No. 167 of 2016, Chetan Balutia vs. State of Uttarakhand and others***, decided on 05.06.2020, the Court observed that Section 302 of the Code does not lay down that only legal representatives or heirs of the deceased may continue with the prosecution. According to Section 302 of the Code, any person may be permitted by the Code to conduct the prosecution subject to the limitation as given in the Section itself. The words “any person” is significant. It is true that offence under Section 138 of the Act is person specific and it relates to property but does it mean that a person who has no right in the property cannot be permitted prosecution under Section 138 of the Act. It is also true that cognizance under Section 138 of the Act may be taken, only upon a complaint in writing made by a payee, or as the case may be, the holder in due course of the cheque provided under Section 142 of the Act, but, if Section 142 of the Act is read along with Section 256 and Section 302 of the Code, it is not mandatory that after the death of the complainant, the prosecution must be continued by a person who has interest in the property of the deceased or who is legal heir of the deceased. The Court may under Section 302 of the Code permit any person to continue the prosecution under Section 138 of the Act, subject to the limitations given under Section 302 of the Code itself.
5. ***In Criminal Misc. Application No. 712 of 2017, Sanjeev Tiwari vs. State of Uttarakhand and others***, decided on 05.06.2020, the Court observed that in the instant case, undoubtedly the Bank was taking recourse to SARFAESI Act for the recovery of outstanding dues. The Bank was proceeding under Section 13 of the SARFAESI Act. If the measures were wrong and the company was aggrieved

definitely, recourse to Section 17 of the SARFAESI Act could have been taken. Criminal prosecution cannot be allowed to be launched in such cases. In fact, the application under Section 156 (3) of the Code filed by the petitioner does not disclose any cognizable offence. It definitely appears to have been moved by the petitioner to pressurize the Bank so that they may, under fear of criminal prosecution, settle the Case with the petitioner on his terms. It may be a dispute that could be taken before any forum under the SARFAESI Act.

6. *In BAI No. 1164 of 2018, Tekendra Prasad Joshi vs. State of Uttarakhand* decided on 09.06.2020, the Bench observed that each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into account by the court. The accusation in the present case is with regard to the commercial quantity. Once the public prosecutor opposes the application for bail to a person accused of the enumerated offences, in case, the Court proposes to grant bail to such a person, two conditions are to be mandatorily satisfied in addition to the normal requirements under the provisions of the Code of Criminal Procedure, 1973 or any other enactment, (i) the Court must be satisfied that there are reasonable grounds for believing that the person is not guilty of such offence. In Criminal Appeal No(s) 154-157 of 2020 State of Kerala Vs. Rajesh and others and (ii) that person is not likely to commit any offence while on bail. It is the mandate of the legislature which is required to be followed. The non-obstante clause with which this Section starts should be given its due meaning and clearly it is intended to restrict the powers to grant bail. To check the menace of dangers drugs and psychotropic substances flooding the market, the Parliament has provided that the person accused of the offences under the Act should not be released on bail during the trial unless the mandatory conditions provided under Section 37 of the Act, 1985 are satisfied.

7. *In SA No. 60 of 2020, Vaheed vs. Rao Naushad Khan and others*, decided on 22.06.2020, the Bench observed that as far as the provisions contained under Section 104 of CPC, is concerned, it has got its own limitation and the ambit of the orders, which could be put to challenge under it, it should be an order, which falls to be within the scope of the provisions contained under Order 43. The scope of filing Miscellaneous Civil Appeal, is only as against the orders passed under the provisions referred under Order 43, adjudication of application under Order 21 Rule 97, 99, 101 and 105, do not to be under Order 43, as Miscellaneous Civil Appeal could not be filed. If the second appeal at all is tenable its only as against an adjudication made

by the First Appellate Court, which takes the shape of a decree, it will not be appealable under Section 100 of CPC, for any order passed under Section 104 of CPC, which confines itself to the Miscellaneous Civil Appeal, against the orders as provided therein under Order 43. Hence, the adjudication made by the Appellate Court of dismissing the Miscellaneous Civil Appeal is not maintainable, as the judgment dated 01.02.2020, will not be a decree of Appellate Court, as the decree defined under Section 2(2) of Code of Civil Procedure, which is impugned herein, does not suffer from any vices as such to call for an interference under Section 100 of CPC.

8. *In CRLR No. 80 of 2020, Bunty @Dimple Singh vs. State of Uttarakhand*, decided on 26.06.2020, the Bench observed that the facts of the instant case show that it is a case where the revisionist along with co-accused persons involved in the trafficking of more than one minor girl and in procurement, inducement and detention of women and girls, including minor victim girl of the present case, and obtained possession of minor girls for the purpose of prostitution. The revisionist was also involved in one case under Section 3/25 of the Arms Act. These circumstances indicate that the parents of the revisionist had no commanding control over the revisionist. The act of the revisionist weighed against the grant of bail. No reason is found to falsely implicate the revisionist.

The act of the revisionist shakes the conscience of the society. Therefore, in the facts and circumstances of the case, if the revisionist is released on bail, not only it would defeat the ends of justice but will push the revisionist into further crime

Major Activities during COVID-19 at High Court

1. **Hearing of the cases in the High Court and the Subordinate Courts through Video Conferencing:-** Having considered the imminent threat to the human life by spread of COVID-19 (Corona Virus), considering the lockdown declared by Government of India and in view of directions of the Hon'ble Supreme Court of India in *Suo Motu Writ (Civil) No 5 of 2020, In Re : Guidelines for Court Functioning through Video Conferencing During COVID 19 Pandemic*, to reduce physical presence in the Court by promoting social distancing and for the safety of litigants, advocates and the staff, in the larger public interest, vide **Notification No. 86/UHC/Admin.B/2020, Dated 11.04.2020, and Vide Notification No. 87/UHC/Admin.B/2020, Dated 12.04.2020**, directions were issued for hearing the cases in the High Court and Subordinate Courts, through Video Conferencing through “**Jitsi Meet Software**” and where for any reason, the Video Conferencing could not be held through “Jitsi Meet” through “**Zoom Cloud meeting**”, software and if the video conferencing can also be not held through this software, in that event, through **Vidyo Mobile/Desktop** software.

2. In order to prevent the spread of COVID-19, several directions were issued vide Office Memorandum No.05/UHC/Admin.A/2020 dated 12.04.2020 and No.09 /UHC /Admin.A/2020 dated 08.05.2020. Further, vide Office Order No.32/UHC/Admin.A/2020 dated 27.05.2020, provision of fine for not wearing face mask at public place/work place and for spitting at public place was also issued.

Few other measures taken during COVID-19

1. All the precautions/guidelines/directions issued by the Government regarding COVID-19 pandemic are strictly observed.
2. All are checking whether social distancing is being followed and everyone present is properly using face mask.
3. Registrars, Joint Registrars, Deputy Registrars, Assistant Registrars, Section Officers, Management Officer, Protocol Officer and Librarian are remained present on all working days and remaining staff is arranged on rotation basis.
4. A rotation-wise arrangement of staff posted in different Sections was made.

5. For the Sections, where there is less staff and there is requirement of all staff in view of work of the Sections, they shall attend their duties on all working days, order was issued to take permission from Registrar General regarding this and only after permission is granted by the Registrar General, such staff was allowed to attend the duty on all working days.
6. For such staff, who has not been called for duty, it has been directed that they shall remain at home and they may be called, if required.
7. A direction was also issued that the staff, who has not been called, is on duty and no leave would have to be taken.
8. Proper social distancing is being maintained at the Canteen and the place, where filing is being done.
9. Minimum Group-D staff is being called, as per requirement.
10. Staff attending duty is not moving from his/her Sections unnecessarily and not going outside the court premises during working hours.
11. Proper sanitization of Court Premises and all the Sections on regular basis is being ensured by the Management Officer .
12. Sanitizers (large bottles) has been placed outside each Section and the staff is entering in the Section after sanitizing his/her hand.
13. Entry in the High Court premises is allowed from Gate No. 2 (only for Advocates appearing for their cases in Court No.10), Gate No.4 (only vehicle entry & staff) and Gate No.7 (General entry). Only the staff, who is to attend duty and the Advocates, whose cases are listed, shall be permitted to enter in the High Court premises. Ld. Advocates/litigants are requested to go to only the Court Room, from where, they have to appear for their cases and soon after the case is over, to leave the premises. Staff, who is not to attend duty, is requested not to enter the premises on that day.
14. Thermal scanning of everyone is being done before allowing entry in the Court Premises.
15. High Court canteen is opening only for a limited purpose. No entry is permitted in canteen. Group-D employees attached with various Sections is used for bringing tea from the canteen. No congregation is allowed outside canteen. Sanitization of canteen is being done each day by Management Officer and only permitted card-board cups has been used. Staff is advised to bring their cups from their home.
16. All the concerned are sanitizing their hands regularly and avoiding touching anything unnecessarily.
17. All the concerned are keeping away themselves from the premises, if they feel, they have any symptoms, which may be due to infection of COVID-19. Staff has been directed to intimate to the concerned In-charge through whatsapp/e-mail/mobile.
18. Fine is being imposed on not wearing of face mask & spitting at public place
To supervise the compliance of aforesaid directions, following Officers are nominated as Nodal Officer:-
 - (i) Registrar (Protocol)
 - (ii) Management Officer,
 - (iii) Chief Security Officer
 - (iv) In-charge LIU, High Court Security

**ACTIVITIES OF SLSA FOR THE MONTH OF APRIL, 2020 TO JUNE,
2020**

**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 by Hon'ble the Chief Justice of High Court of Uttarakhand and Patron-in-Chief on 24.03.2020. The Hon'ble High Powered Committee 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. Two (02) online meetings of Hon'ble High Powered Committee were held on 26.03.2020 and 08.04.2020. Thereafter Hon'ble Mr. Justice Ravi Malimath, after taking charge of Hon'ble Executive Chairman of Uttarakhand State Legal Services Authority, has been appointed as the Chairman of the Hon'ble Powered Committee. Thereafter, Hon'ble Mr. Justice Ravi Malimath, chaired the third online meeting on 09.07.2020. On the basis of the recommendations issued by the Hon'ble High Powered Committee, a total number of 696 prisoners (509 under-trials and 187 convicts) have been released from different jails of Uttarakhand on interim bail or parole.

Beside this, the video conferences were also held on 30.03.2020, 31.03.2020, 01.04.2020, 11.04.2020, 12.04.2020, 14.4.2020, 16.04.2020, 23.04.2020, 24.4.2020 and 03.05.2020, 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. Consequently, the necessary legal aid and assistance provided by the Legal Services Institutions to the needy people during the lockdown is hereunder:

Legal Aid provided by DLSAs during Lockdown from 24.03.2020 to 30.06.2020

District	Domestic Act		Violence		Tenancy Disputes		Wages Disputes		Food	Money and Shelter	Traveling to home	Released		Children	Legal aid through remand advocate	Total
	Reported Cases	Service Provided	Reported Cases	Service Provided	Reported Cases	Service Provided	UTP	Convict								
Almora	4	4	0	0	0	0	6789	0	861	3	10	0	5	7672		
Bageshwar	3	3	0	0	0	0	500	0	5	1	8	0	5	522		
Chamoli	2	2		0	8	8	7809	0	10	1	3	0	1	7834		
Champawat	0	0	0	0	0	0	300	16	2	9	5	0	2	334		
Dehradun	515	515	286	286	290	290	275000	350	3000	104	23	1540	15	281123		
Haridwar	13	0	0	0	0	0	6500	0	0	135	22	1	24	6695		
Nainital	29	22	7	6	2	2	11177	1744	324	57	14	1	25	13380		
Pauri Garhwal	8	8	0	0	0	0	3397	290	635	21	12	0	6	4369		
Pithoragarh	0	0	0	0	0	0	2261	0	0	2	6	0	22	2291		
Rudraprayag	0	0	0	0	0	0	300	0	100	1	6	0	0	407		
Tehri Garhwal	2	2	0	0	1	1	98707	0	9	16	3	1	22	98761		
U S Nagar	12	12	0	0	97	97	24934	3364	1764	155	67	150	98	30641		
Uttarkashi	4	4	0	0	0	0	3250	0	727	4	8	0	4	3997		
Total	592	572	293	292	398	398	440924	5764	7437	509	187	1693	229	458026		

TELE-LAW PROGRAMME:

Department of Justice, Ministry of Law, Government of India is implementing a project titled 'Citizens Duties Awareness Programme (CDA) since November, 2019 for a period of one year. Focus areas of the project is to spread awareness about the Fundamental Duties amongst the masses throughout the country. For the said purpose 1000 Digital Village CSCs (Common Service Centers), in 116 Districts covering 16 States were chosen. They would also be collaborating with CSC-e Government Services India Limited. To implement the project in these villages, Department of Justice has planned to organize 1000 Awareness Sessions in these 1000 digital villages from 15th June till 26th November, 2020, subject to the norms of social distancing and other applicable lockdown guidelines in the villages.

In the State of Uttarakhand, 20 CSCs of district Haridwar from the places Bahadarabad, Bharawad, Laksar & Roorkee, were selected for the said 'Citizens Duties Awareness Programme'. To meet out the purpose of the said programme, DLSA Haridwar has deputed 04 Panel Lawyers and 01 Para-Legal Volunteers to cover 20 CSCs selected by the Department of Justice in District Haridwar. The Uttarakhand SLSA directed to DLSA Haridwar to give wide publicity of the Tele-Law Programme amongst the common mass and also do the needful. The Tele-Law Programme has been started in District Haridwar with the coordination of District Administration.

ESSAY COMPETITION ON BIRTH ANNIVERSARY OF DR. BHIMRAO RAMJI AMBEDKAR :

On the occasion of Birth Anniversary of Dr. Bhimrao Ramji Ambedkar, Hon'ble the Executive Chairman, Uttarakhand SLISA, Nainital, was kind enough to direct the Legal Services Institutions in the State to organize an Online Essay Competition on the topic: **Fraternity in the Indian Constitution as Envisaged by Dr. Bhimrao Ramji Ambedkar**. The said online essay competition was organized on 14th April, 2020 for the Law Students of LLB Final Year and LLM, studying in any Law Colleges and Universities, within the territory of India.

**Statement showing the progress of Legal Aid and Advice/Counseling
provided in the State of Uttarakhand
for the period from April, 2020 to June, 2020**

Sl. No.	Name of DLSA's	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice/ Counseling
01	ALMORA	14	-
02	BAGESHWER	03	-
03	CHAMOLI	01	03
04	CHAMPAWAT	02	-
05	DEHRADUN	27	-
06	HARDWAR	03	04
07	NAINITAL	15	13
08	PAURI GARHWAL	01	01
09	PITHORAGARH	01	-
10	RUDRAPARYAG	-	-
11	TEHRI GARHWAL	10	10
12	UDHAM SINGH NAGAR	26	53
13	UTTARKASHI	11	01
14	H.C.L.S.C., N.T.L.	37	-
15	U.K.S.L.S.A., N.T.L.	-	03
	TOTAL	151	88