



UTTARAKHAND COURT NEWS

(A Quarterly Court Magazine)

Vol-VII Issue No-1 (January to March, 2016)



High Court of Uttarakhand, Nainital

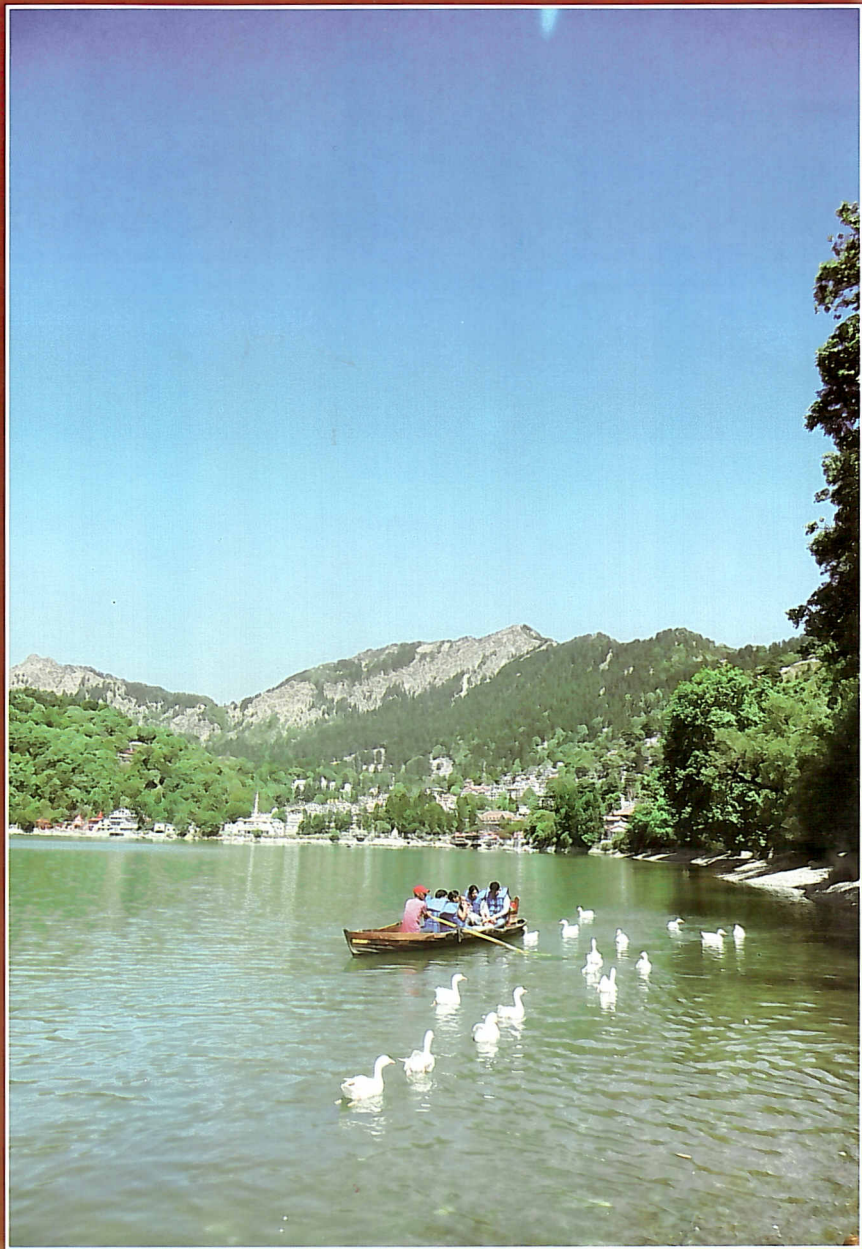
EDITORIAL BOARD

Hon'ble Mr. Justice Sudhanshu Dhulia
Hon'ble Mr. Justice U. C. Dhyani

COMPILED BY

D.P. Gairola, Registrar General, High Court of Uttarakhand

A quarterly newsletter published by High Court of Uttarakhand, Nainital
Also available on our website : www.highcourtofuttarakhand.gov.in



CONTENTS

❖ Hon'ble Judges of Uttarakhand High Court	4
❖ From the Desk of Chief Justice.	5
❖ Message	6
❖ Institution, Disposal & Pendency of cases in High Court.	7
❖ Institution, Disposal & Pendency of cases in District Courts.	8
❖ Institution, Disposal & Pendency of cases in Family Courts	9
❖ Circular Letters/ Notifications (issued recently).	10-13
❖ Some Recent Judgments of Uttarakhand High Court.	14-23
❖ Major Events and Initiatives at High Court.	24
❖ Programmes and Conferences attended by the Judges	24
❖ Full Court references	24
❖ Activities of State Legal Services Authority(SLSA)	25-29
❖ Infrastructure development at High Courts and Subordinate Courts	30-36
❖ Progress in Finance Commission recommendations	37
❖ Major Activities of UJALA.	38

* * * * *

UTTARAKHAND HIGH COURT

LIST OF JUDGES (As on 1st January, 2016)

SL. No.	Name of the Hon'ble Judge	Date of Appointment
1.	Hon'ble Mr. Justice K.M. Joseph (Chief Justice)	31.07.2014
2.	Hon'ble Mr. Justice V.K. Bist	01.11.2008
3.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
4.	Hon'ble Mr. Justice Alok Singh	26.02.2013
5.	Hon'ble Mr. Justice Servesh Kumar Gupta	21.04.2011
6.	Hon'ble Mr. Justice Umesh Chandra Dhyani	13.09.2011

* * * * *



Hon'ble Mr. Justice K. M. Joseph



Hon'ble Mr. Justice V.K. Bist



Hon'ble Mr. Justice Sudhanshu Dhulia



Hon'ble Mr. Justice Alok Singh



Hon'ble Mr. Justice Servesh Kumar Gupta



Hon'ble Mr. Justice Umesh Chandra Dhyani

Justice K. M. Joseph



Brooke Hill Lodge
Mallital, Nainital - 263001
Tel. : 05942-231691 (Off. - Telefax)
05942-231694 (Resi. Telefax)

July 27, 2016.

MESSAGE

The Newsletter of January-March 2016 quarter contains the information about the activities of High Court of Uttarakhand. Among other things, it contains information about decisions of the High Court, facts about institution, pendency and disposal of cases besides activities of Uttarakhand Judicial and Legal Academy (UJALA).

I wish the venture all success.


(K.M. Joseph)

INSTITUTION, DISPOSAL AND PENDENCY OF CASES➤ **HIGH COURT OF UTTARAKHAND (from 01.01.2016 to 31.03.2016)**

						Pendency (As on 01.01.2016)		
						Civil Cases	Criminal Cases	Total Pendency
						18560	8120	26680
Institution (01.01.2016 to 31.03.2016)			Disposal (01.01.2016 to 31.03.2016)			Pendency (As on 31.03.2016)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.15
2384	1708	4092	1491	1560	3051	19453	8268	27721

* * * * *

➤ District Courts (From 01.01.2016 to 31.03.2016)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.16
		Opening Balance as on 01.01.16	Institution from 01.01.16 to 31.03.16	Disposal from 01.01.16 to 31.03.16	Pendency at the end of 31.03.16	Opening Balance as on 01.01.16	Institution from 01.01.16 to 31.03.16	Disposal from 01.01.16 to 31.03.16	Pendency at the end of 31.03.16	
1.	Almora	463	125	170	418	786	418	489	715	1133
2.	Bageshwar	78	37	19	96	437	311	259	489	585
3.	Chamoli	251	80	77	254	595	338	419	514	768
4.	Champawat	151	35	25	161	840	791	794	837	998
5.	Dehradun	10964	2394	2483	10875	62412	22417	15907	68922	79797
6.	Haridwar	8901	1434	1123	9212	33397	7381	8272	32506	41718
7.	Nainital	2810	350	480	2680	6923	4061	3548	7436	10116
8.	Pauri Garhwal	1042	218	232	1028	2624	1012	913	2723	3751
9.	Pithoragarh	346	77	92	331	784	650	589	845	1176
10.	Rudraprayag	147	34	26	155	1578	292	254	1616	1771
11.	Tehri Garhwal	382	104	74	412	1393	676	709	1360	1772
12.	U.S.Nagar	5018	817	746	5089	23249	5521	5031	23739	28828
13.	Uttarkashi	329	83	76	336	718	430	458	690	1026
	Total	30882	5788	5623	31047	135736	44298	37642	142392	173439

➤ **Family Courts (from 01.01.2016 to 31.03.2016)**

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 31.03.16
		Opening Balance as on 01.01.16	Institution from 01.01.16 to 31.03.16	Disposal from 01.01.16 to 31.03.16	Pendency at the end of 31.03.16	Opening Balance as on 01.01.16	Institution from 01.01.16 to 31.03.16	Disposal from 01.01.16 to 31.03.16	Pendency at the end of 31.03.16	
1.	Dehradun	1490	334	329	1495	912	146	165	893	2388
2.	Rishikesh	145	56	42	159	170	27	46	151	310
3.	Nainital	471	80	49	502	686	133	97	722	1224
4.	Hardwar	625	138	138	625	527	108	53	582	1207
5.	Roorkee	423	126	132	417	494	109	95	508	925
6.	Pauri	216	54	36	234	262	50	38	274	508
7.	Udham Singh Nagar	767	158	178	747	772	97	130	739	1486
	TOTAL	4137	946	904	4179	3823	670	624	3869	8048

CIRCULAR LETTERS/ NOTIFICATIONS

HIGH COURT OF UTTARAKHAND, NAINITAL

From:

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

1. Director, Uttarakhand Judicial And Legal Academy, Bhowali, Distt. Nainital.
2. All the District Judges, Subordinate to the High Court of Uttarakhand.
3. Principal Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
4. Judges, Family Court, Dehradun, Hardwar, Nainital, Pauri Garhwal & Udham Singh Nagar.
5. Chairman, State Transport Appellate Tribunal, Uttarakhand, Dehradun.
6. Chairman, Commercial Tax Tribunal, Uttarakhand, Dehradun.
7. Registrar, State Consumer Redressal Commission, Uttarakhand, Dehradun.
8. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
9. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
10. Secretary, Lokayukta, Uttarakhand, Dehradun.
11. Registrar-cum-Secretary, State Level Police Complaint Authority, Dehradun.
12. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
13. Presiding Officer, Industrial-cum-Labour Court, Haldwani, District Nainital.
14. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, District Udham Singh Nagar.

C.L. No. 01 /UJALA/UHC/Admin. A/2016

Dated: January 18, 2016

Subject: **Recess during winter vacation at UJALA**

Sir,

On the subject noted above, I have to inform that Hon'ble the Chief Justice is pleased to permit to avail recess during winter vacation for seven days to the officers of the H.J.S. Cadre and five days to the officers of (S.D/J.D) cadre, posted at Uttarakhand Judicial and Legal Academy Bhowali, District Nainital.

You are, therefore, informed accordingly.

Yours faithfully,
Registrar General

From

Registrar General,
High Court of Uttarakhand,
Nainital.

To

1. All the District Judges, Subordinate to High Court of Uttarakhand.
2. Principal Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
3. Principal Secretary Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
4. Director, Uttarakhand Judicial And Legal Academy, Bhowali, Distt. Nainital.
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 Medicose, Dehradun.
7. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
8. Principal Judge, Family Court, Dehradun and Judges, Family Court, Hardwar, Nainital, Pauri Garhwal & Udham Singh Nagar.
9. Registrar, State Consumer Disputes Redressal Commission, Uttarakhand, House No. 176, Ajabpur Kalan, Near Spring Hills School, Mothrowala Road, Dehradun, 248415.
10. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
11. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, Distt. Nainital.
12. Presiding Officer, Labour Courts, Dehradun, Hardwar and Kashipur, Distt. Udham Singh Nagar.
13. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
14. Chairman, Uttarakhand Co-operative Tribunal, Dehradun.
15. Registrar-cum-Secretary, State Level Police Complaint Authority, Dehradun.

C.L. No. 02 /UHC/Admin.A/2016

Dated: February 29, 2016.

Subject: Nomination of Administrative Judge(s).

Sir,

In continuation to C.L. No. 18/UHC/Admin.A/2014 dated 06.05.2014 on the subject noted above, I am to inform that Hon'ble the Chief Justice is pleased to nominate the following Hon'ble Judges as the Administrative Judge Incharge of the District(s) shown against their names in the list given below with immediate effect, till further orders.

1. Hon'ble Mr. Justice Sudhanshu Dhulia - Udhm Singh Nagar
2. Hon'ble Mr. Justice S.K. Gupta - Tehri Garhwal
3. Hon'ble Mr. Justice U.C. Dhyani - Bageshwar

The order in respect of Administrative Judge Incharge of rest of the districts will remain same.

You are therefore, informed accordingly.

Yours faithfully,
(Registrar General)

From

Registrar General
High Court of Uttarakhand
Nainital.

To

All the District Judges,/ Principal Judge/
Judges, Family Courts
State Judiciary,
Uttarakhand

C.L. No. 03/UHC/XVII-4/D.R.(I)/2016

dated: March 21, 2016

Sub: REGARDING USE AND ADMISSIBILITY OF ELECTRONIC EVIDENCE

Sir /Madam,

On the above noted subject, I have been directed to inform you to follow the provisions of Section 65 B of the Indian Evidence Act, in respect to the electronic evidence produced before you. All the Judicial Officers are further directed to carefully go through the judgement passed by Hon'ble Supreme Court and reported as Anwar. P.V. Versus P.K. Basheer and others 2014(10) Supreme Court Cases 473.

You are informed accordingly for compliance of the above directions.

Yours faithfully

Registrar General

Some Recent Judgments of Uttarakhand High Court

Division Bench Judgments

1. In *W. P. (S/B) 15/2016, Dr Asha Saxena vs State of Uttarakhand & ors*, decided on 05.03.16, the petitioner seeking relief in the nature of mandamus directing the respondent to amend the Statute for enhancement of age of superannuation up to 65 years as envisaged in the Scheme dt 31.12.2008. The matter related to concept of *ratio decidendi*. By the order dt 31.12.2008, Government of India brought out a scheme providing for certain benefits to the employees. It was, essentially, meant to apply to the employees of the Central Universities. Petitioner was working as Associate Professor in Govt. College in State of Uttarakhand. Going by the criterion of attaining 60 years, petitioner was due to retire in the year 2011. Petitioner stood retired with effect from the date she attained 60 years. Petitioner made reference to a judgment of this court, wherein a bench of this court took the view that, if the scheme propounded under order dt. 31.12.2008 is to be implemented, it has to be implemented as a composite scheme & as a whole. Against the said judgment, there were appeals carried to Hon'ble Apex Court. Petitioner also filed a writ petition under A 32 of the Constitution before the Supreme Court. All the cases were decided by Hon'ble Apex Court in case of *Jagdish Prasad Sharma & others vs State of Bihar & others (2013) 8 SCC 633*.

The bench, while dismissing the petition, observed that when the Apex Court decides a case, it could lay down, in the facts of a speaking order, law within the meaning of A 141. When a case is decided between two parties, the *ratio decidendi*, which is laid down therein, being the law when it flows from the Supreme Court of India, is ordinarily applicable to all the courts other than the Supreme Court. As far as the Supreme Court itself is concerned, ordinarily, the Supreme Court would follow the *ratio decidendi* laid down by it, but, that would not prevent the Apex Court from taking a different view, provided that the matter is dealt with by appropriate number of judges, subject to the doctrine of *stare decisis*, but, this is a far cry from saying that, when a case is filed by a party before the Apex Court and the said case stands dismissed, the High Court is expected to explore the argument that the party can extricate itself from the binding nature of the decision on the party by virtue of the *ratio decidendi* being in its favour allegedly.

2. In *Spl. Appl. No. 237/2015, Smt Pushpa Budhani vs Suresh Chandra & others, with Spl. Appl. No. 408/2015*, decided on 16.03.16, the petitioner filed first writ petition, feeling aggrieved by the refusal to give him charge as Principal, though he was senior to the person to whom the charge was given. Hon'ble High Court directed him to pursue his remedy by filing a representation. His representation was rejected vide order dt 28.02.11 that the person to whom the charge of Principal was given, was senior to him. The petitioner filed second writ petition for his seniority, but did not challenge the said order dt 28.02.11 and the same was dismissed on the ground that said order dt 28.02.11 had attained finality. Petitioner filed third writ petition challenging the said order dt 28.02.11.

The bench, while allowing the appeals, held that all the reliefs, which a party can seek in a writ petition, must be sought in the same and if he wants to continue the litigation again in respect of same cause of action, he can do so, provided he gets leave of the court and that in the case in hand, the petitioner omitted the said relief in his second writ petition and he could not be permitted to revive the litigation in his last writ petition, as it is clearly impermissible in view of the principle of *res judicata* or the principle which prohibits piecemeal litigation. The bench observed that, The Code of Civil Procedure, as such is not applicable to the proceedings under A 226 of the Constitution, by virtue of the the explanation added to S 141 C.P.C, but it is well settled that the writ court can adopt and apply salutary principle, which are embedded in the provisions of the Code and there is no restraint in this regard, except the self imposed restriction that the principle is applied appropriately to suit the interest of justice in a particular case.

3. In *W. P. No 34/2016, Manoj Joshi vs State of Uttarakhand & ors*, decided on 18.03.16, a F I R lodged against the M.L.A of Mussorie constituency for the offences under Sec 429 & 188 IPC & Sec 11 of Prevention of Cruelty to Animals Act, as a result of which he was arrested by the police and was sent to judicial custody under the orders of Judicial Magistrate. Petitioner, a resident of Nainital, filed writ petition in the form of Public Interest Litigation, seeking mandamus to direct the respondents to enable the said M.L.A. to participate in the proceedings of Legislative Assembly of Uttarakhand in police custody. Legality of custody on arrest of M.L.A. not questioned in writ petition.

The bench, while dismissing the petition, held that the writ petition was not filed by the M.L.A. himself and the prayer, too, in a public interest litigation, sought by a person, who was not a member of the Legislative Assembly, was without any basis. It is further held that the result of the arrest of the M.L.A. and his being ordered to be put in judicial custody would certainly result in his being disabled lawfully from participation in the proceedings of the Assembly.

4. In *Spl. Appl. No. 156/2015, Rajveer Singh vs Appellate Authority/ Dist. Judge, Haridwar & others*, decided on 22.03.16, the petitioner/appellant was appointed as a Lecturer in the non-aided purely private Senior Secondary School. He was allowed to officiate as Principal of the Institution. As per the prevailing practice, the post of Principal was filled by direct recruitment and the Managing Committee of the institution issued the advertisement to fill up the vacant post of Principal by direct recruitment. Petitioner/appellant challenged the said action by filing the writ petition claiming that, he being the senior most lecturer, was entitled to be treated as a substantially appointed Principal on promotional post of Principal. It was contended that in view of Bye-Law 10(3) of the bye laws of CBSE, Regulations framed under the Uttarakhand School Education Act were applicable in his case. The Single Judge of this Court allowed the petition partly, quashing the advertisement in question & directed the Management Committee to take fresh decision for filling up the post of Principal by direct recruitment and if the decision for direct recruitment would be taken, the post should be advertised in a certain manner. The petitioner challenged the said judgment in Spl. Appeal.

The bench, while dismissing the appeal, observed that the issue relating to the method of appointment to various posts is dealt with in Chapter VII of the Bye-Laws and the service conditions mentioned in Bye-Law10(3) would not take within its embrace the method of recruitment . It was further held that in Bye-Law 24, the service conditions were to adopted as per the Education Act of the State, if the State Act had made it obligatory, but since the State Act did not make it obligatory, the Bye Law 25 had become applicable, in which, the word "Board/Government" was not intended to refer the State Government and that there was no merit in appeal.

Single Bench Judgments

1. In *W.P. No. 7064/2001(M/S), Hardeo Singh & anthr vs U.O.I & anthr, decided on 18.03.16mt*, the petitioner filed the petition seeking direction to the respondents to frame the scheme of Management for the administration of Gurudwara Nanakmata Sahib in conformity with the judgment dt 20.08.1935 passed by Mr J.R.W. Benett, District Judge, Kumaon in Civil Suit No.3/1934 under Sec 92 of C.P.C, wherein the court had framed the guidelines for administering/managing the said shrine. The matter in issue relates to withdrawl of suit /writ petition filed in representative capacity.

The bench, while declining to grant permission to withdraw the petition, observed that in normal circumstances, an application for withdrawl of writ petition should be allowed and nobody should be permitted to oppose the withdrawl application, as the petitioner cannot be compelled to pursue his case against his wish; but in certain circumstances, such permission can be denied. The Court should be more careful when withdrawl application is filed in writ petition, which has been filed in representative capacity. Whether withdrawl of writ petition will be in the interest of that community/those people, on whose behalf, petition is filed, is to be seen by the court. Writ petition filed in representative capacity cannot be permitted to be withdrawn at the behest of private individual. It is further held that withdrawl of writ petition can be allowed in rare circumstances viz. Purpose for which the writ petition was filed, is fulfilled or such purpose has become infructuous on the persons, for whose benefit writ is filed, want its withdrawl , but in no event, withdrawl of writ petition can be allowed where such withdrawl is opposed by any person whose interest is involved.

2. In *W.P. (S/S) No. 1940/2015, Miss Madhu Maikuri vs. State of Uttarakhand & others* decided on 05.01.2016, the petitioner, physically challenged, posted as Probationary Officer in the Head Office of the Uttarakhand Gramin Bank at Dehradun from the year 1992. Vide impugned order dt 04.09.15, she was transferred as Branch Manager to a branch of said bank situated in Dehradun at a distance of 3 Km from the Head Office of the Bank.

The bench, while disposing the petition, observed that no interference is presently being made by the Court. As far as the guidelines issued by Govt. of India is concerned, there is no violation as the petitioner has been transferred within the city limits and her new posting is in a branch which is only three kilometers from her previous work place. It is further held that the respondents shall

consider the fact that in case the petitioner has difficulties in her work as a Branch Manager, she would also be at liberty to request the authorities for posting her as a "Second Officer" in the same branch or any other branch of her choice which shall be duly considered taking into consideration her physical challenge.

3. In *W. P. (S/S) 528/2015, Khyali Ram Kapil vs State of Uttarakhand & others*, decided on 29.02.16, the petitioner, a Lecturer in Economics, in Govt. Inter College, filed writ petition stating that he was eligible for promotion to the post of Lecturer (Economics), but due to want of vacancy earlier, he could be promoted on the post of Lecturer (Economics) from the post of L.T. Grade Teacher only in the year 2007, while L.T. Grade Teachers of other subjects who were junior to him, had been promoted before him, because in their respective subjects vacancy had occurred earlier, but since in view of R 21 of the Uttarakhand Special Subordinate Education (Lecturer's Cadre) Service Rules, 2002, he had regained his seniority after promotion on the post of Lecturer in the year 2007 and prayed that his seniority be considered for promotion to the post of Head Master.

The bench, while disposing the writ petition, directed the Director of Education that before initiating the exercise for the promotion to the post of Head Master, he shall re-fix the seniority of the Lecturers in accordance with law particularly in view of R 21 of the Rules, 2008 r.w. the Uttarakhand Govt. Servants Seniority Rules, 2002 but only inviting objections from all concerned Lecturers particularly those who were promoted prior to the petitioner. Thereafter, the *inter-se* seniority be prepared and promotions be made to the post of Head Master in accordance with law.

4. In *Crl. Misc. Appln. No. 204/2016 (u/s 482 Cr.P.C.), Raj Bahadur vs Central Bureau of Investigation (C.B.I) & others*, decided on 19.03.16, the applicant/accused while holding the post of Income Tax Officer, caught red handed taking bribe on a trap laid by C.B.I. The competent authority granted sanction u/s 19 of the Act for his prosecution vide order dt 19.11.10, subject to the observation that the another person, named in said order, who was agent of applicant/accused should also be prosecuted. Thereafter, the competent authority passed another order dt 30.08.11, granting fresh sanction for prosecution of the applicant/accused under the Act. On the basis of said subsequent sanction, chargesheet submitted against accused and trial court took cognizance accordingly. The applicant moved application u/s 482 Cr. P. C. challenging the said criminal

proceedings, stating that the competent authority had no jurisdiction to pass subsequent order dt 30.08.11 reviewing the previous sanction dt 19.11.10 and his prosecution on the basis of subsequent order dt 30.08.11 was illegal.

The bench, while dismissing the petition, observed that in earlier sanction dt 19.11.10, the sanctioning authority had not declined to grant sanction, but had granted his sanction with certain observations, which had absolutely no relevancy to the prosecution of applicant/accused and subsequent sanction dt 30.08.11 was not an order of review of the earlier sanction, but a clear unambiguous sanction, on which cognizance had been taken by the trial court and further, no prejudice had been caused to the applicant/accused. It is further held that the question of sanction or validity of sanction must be decided by the trial court and ordinarily it must be decided at the earliest, when this issue comes up before the trial court, but it depends on the facts of the case, which may be different in each case. When the court has to examine any error, omission or irregularities in the sanction, it has to see whether any failure of justice has been caused or not.

5. In *W.P. (M/S) No. 792/2016, Smt Amrita Rawat & others vs Speaker, Legislative Assembly & others* with W.P. No. 791/2016, decided on 25.03.16, the petitioners are the members of the Uttarakhand Legislative Assembly (M.L.A.'s) and belong to the Indian National Congress Party. They have primarily challenged the show cause notice dt 19.03.16 given by the Speaker of the House (respondent No.1) which is annexure No. 1 to the writ petition. The notice seeks an explanation from the petitioners as to why they should not be disqualified as members of the Assembly and the petitioners have to give their reply to this show cause notice by 5.00 p.m. as on 26.03.16.

The bench, while dismissing the petition, observed that it would not be proper for this court to interfere in any manner, at this stage, with this proceedings, which have been initiated by the Speaker of the House, as there is absolutely no doubt that it is a matter relating to a question of "disqualification" on the ground of defection and the question of disqualification of a member of House is a question which can only be decided by the Speaker of the House and his decision is final. The decision of the Speaker would be quasi-judicial in nature and it would be open to judicial review of the Superior Courts is a different matter altogether as that is a stage which has not been reached so far. It is further held that this court also refrains from expressing any word of caution or advice relating to the proceedings, as doing so to a constitutional authority, such as the

Speaker of the House, who is already seized with the matter would be under the circumstances, wholly unconstitutional.

6. In *A.O. No 294/2016, ICICI Lombard General Insurance Comp. Ltd vs Master Ankur & anthr*, decided on 05.01.16, the appellant challenged the order of Tribunal granting compensation. When the 8 years old boy was going on the road, he was dashed by the offending vehicle, which was being driven rashly and negligently. For several months, he remained admitted in several higher medical centres, including Army Hospital. He was declared 40% disabled, having Hemiparesis on whole right portion of his body.

The bench, while dismissing the appeal of the insurer, observed that the manner of assessment/evaluation of compensation like monthly/annual income of such an innocent child is quite irrelevant and not applicable in such matters. It is further held that looking to the views as expressed by the Hon'ble Apex Court about the future prospects of child, perceiving it in the background of his birth and bringing up, the annual lumpsum compensation to the best wisdom of the judge can be evaluated and in that perspective, the compensation to the tune of Rs 4,34,200/- was not much, it was on the lesser side, but in want of any appeal for enhancement, the award should not be disturbed.

7. In *Ist Appeal No. 7/2014, Gayasuddin @Raju vs Shri Jitendra Singh Sarna*, decided on 07.01.16, the appellant challenged the order& judgment rendered by Civil Judge (S.D.) in which the suit was decreed and the defendant was directed to vacate the premises in question and hand over the possession of same within 02 months of judgment. In a suit for possession and injunction, the defendant claimed his adverse possession over the property in suit, stating that the property in suit was 'lawaris' and 'faltu' and he was in peaceful possession thereof from last 37 years. The plaintiff established his ownership on the property in suit, while the defendant's possession was found to be totally illegal and the trial court decreed the suit.

The bench, while dismissing the appeal, held that the defendant himself had admitted that he took possession of the property in suit, deeming the same to be 'lawaris' and 'faltu', while adverse possession could only be claimed against the true owner. It is further held that it is a settled law of the land that the family settlement can be put into practice even by the conduct of the members of such family. In course of time, the members of such family may reduce the same in

the form of memorandum, but said memorandum is not required to be registered under the law. Registration is required only when the property is partitioned by meets and bounds on the basis of such document.

- 8 In *A.O. 189/2012, Darshan Singh vs Govind Singh & others*, decided on 09.03.16, the appellants challenged the impugned judgment of the tribunal in which the liability to pay compensation was fastened on the owner of motor vehicle. The ground was that the driver of bus did not have valid & effective license to drive "heavy goods vehicle" which cannot be equated with "heavy passenger vehicle".

The bench, while allowing the appeal and fastening the liability to pay compensation on the insurance company, observed that in view of the decision of Hon'ble High Court, Uttarakhand in case of *Smt Krishna & others* [2015(4) T.A.C 534], which was based on the decision of Hon'ble Apex Court in case of *Kulwant Singh & others* [2014(4) T.A.C. 676], a person, who is competent to drive a goods vehicle, could also drive the heavy passenger vehicle and while adjudicating the motor accident cases, the interpretation of said two kinds of vehicles should not be so strict as to gainsay the said beneficial legislation.

9. In *W. P. No. 10/2016(M/S), Registrar, Gurukul Kangri Vishwavidyalaya & others vs Dist. Election Officer/Dist. Magistrate, Haridwar & others*, decided on 04.01.16, the petitioner assailed the orders of Dist. Election Officer/Dist. Magistrate exercising the powers under Section 12-BC of U.P. Panchayat Act, deputing the employees of Gurukul Kangri Vishwavidyalaya, which is a deemed university, in election duties in the forthcoming elections.

The bench, while allowing the petition and quashing the impugned order, held that under subsection(2) of Sec 12-BC of the Act, the staff of only those educational institutions could be deputed in Panchayat Elections, which receive grant-in-aid from the State Govt. and the said provision was not applicable to the petitioner university. The employees of Gurukul Kangri Vishwavidyalaya, a deemed to be university, are not employees of an educational institution receiving grant-in-aid from the State Govt. and therefore, cannot be compelled/asked to perform election duties.

10. In *W. P. No. 386/2016 (M/S), Suresh Chand @Ram Dev vs Radhey Shyam & ors*, decided on 29.02.16, the petitioner challenged the impugned order dt. 15.02.16 passed by appellate court & the order dt 30.05.15 passed by trial court on the amendment application filed by plaintiff/petitioner during the pendency of trial.

The bench, while allowing the petition, observed that the sweep and ambit of O6 R17 is very wide. Application for amendment would be allowed, except when the court finds that the applicant has not come to the court with clean hands ;or the character of the suit is changed or the application of amendment is unusually belated; or there is malafide on the part of the applicant, or earlier admitted facts are to be withdrawn or the matter is covered by 'proviso' to O6 R17 C.P.C. The amendment may be allowed at any stage of the proceedings on such terms as may be just and all such amendments should be allowed to be made as may be necessary for the purpose of determining the real question in controversy between the parties. The question of 'due diligence' is to be seen when the trial has commenced & if the trial has not commenced, when the amendment is moved, there is no need for the court to go into the question of due diligence. It is further held that when amendment application is allowed or rejected, the trial court will not enter the correctness or otherwise of the contents of amendment application.

11. In *Cr. Revision No. 27/2016, Rajendra vs State of Uttarakhand*, decided on 02.03.16, the revisionist preferred a revision against the order passed by Addl. Sessions Judge/Special Judge (POCSO), U. S.Nagar, whereby the trial court rejected the application of revisionist filed u/s 311 Cr.P.C . In such case , the examination-in-chief of the prosecutrix/victim recorded on 10.12.14, but on the application of accused,her cross-examination deferred. On 18.0215, the date fixed for cross-examination of the prosecutrix , cross-examination of of only one page could be recorded and remaining cross-examination again deferred. Her cross-examination completed on 04.03.15. Thereafter, accused moved application u/s 311 CrPC to recall the prosecutrix for further cross-examination on the points of her age, love affairs,medical examination etc. which was rejected.

The bench, while dismissing the revision, observed that the accused had ample opportunity to ask any question to the prosecutrix and almost all the relevant questions had already been asked and even if some questions would be still relevant, the accused had ample opportunity to bring

any relevant on record in his defence evidence and legal questions could be argued during arguments and that the application of the accused did not fall within the ambit of Sec 311 CrPC.

12. In *W. P. No 1133/2015(M/S), Sanjay Verma vs Om Sai Infra Promoters(P) Ltd & others* with W.P. No. 1134/2015, decided on 10.03.16, the petitioner challenged the appellate court's order dt 12.05.15 by which the appeals have been allowed against the trial court's order. A suit of injunction has been filed by the plaintiff asserting that he was a co-sharer of the property in suit on the basis of sale deed executed in his favour. The plaintiff moved application for temporary injunction and the trial court directed the parties to maintain status quo. The defendant challenged the said order by filing appeal & the appellate court, holding that the person, who had executed sale deed in favour of plaintiff, had no right to execute the same, set aside the said order to maintain status quo, while a suit for cancellation of the said sale deed was already pending in another court, having equivalent jurisdiction.

The bench, while set asiding the appellate court's order, observed that a court, while deciding application for temporary injunction or a misc. appeal , filed against the order passed on application for temporary injunction, cannot hold with certainty that a person had no right to execute sale deed in favour of someone, that also when suit for cancellation the sale deed was already pending in another court having equivalent jurisdiction.

MAJOR EVENTS & INITIATIVES

1. **Republic Day Celebration**: On 26th January 2016, Republic Day was celebrated in High Court premises with great enthusiasm. On this occasion , national flag was hoisted by Hon'ble Mr Justice Alok Singh. Officers & Officials of Registry, Advocates were also present to mark the occasion

Programmes and Conferences attended by Hon'ble Judges

1. Hon'ble Mr Justice U. C. Dhyani had bestowed his presence in “Advance Course on Commercial Matters” at National Judicial Academy, Bhopal from 16.01.2016 to 23.01.2016.

Full Court Reference

1. A Full Court obituary reference was held on 06.01.2016 in Chief Justice's Court at 3.30 p.m. to mourn the sad demise of Hon'ble Mr Justice S.H. Kapadia , former Chief Justice of India .

ACTIVITIES OF STATE LEGAL SERVICES AUTHORITY (SLSA)

MONTHLY NATIONAL LOK ADALATS

As per directions of National Legal Services Authority and under the valuable guidance of Hon'ble the Executive Chairman, Uttarakhand State Legal Services Authority, two Monthly National Lok Adalats were organized in different Courts of the State of Uttarakhand. In the months of February, 2016, total 2005 cases relating to banking, u/s 138 of Negotiable Instrument Act and Recovery Suits were taken up and out of them 954 cases were decided amicably and Rs. 7,11,68,918/- was settled. In the monthly National Lok Adalat organized in the month of March, 2016, out of 1307 cases relating to civil and revenue matters, 779 cases were settled and an amount to the tune of Rs. 23,64,716/- was settled.

TRAINING TO THE PANEL LAWYERS

To enhance the working skills and for ensuring accountability of panel lawyers towards the works assigned to them, the Uttarakhand State Legal Services Authority had conducted training programmes as per the training module approved by NALSA, in different phases at District Headquarters and at Uttarakhand Judicial & Legal Academy, Bhowali. In the said training programmes, total 268 panel lawyers engaged at district level have been imparted training by the Member Secretary, Uttarakhand State Legal Services Authority and two Master Trainers (Advocates) who had undergone training at Delhi.

LEGAL AWARENESS PROGRAMMES ON DOORDARSHAN

For wide publicity of the legal services programmes and schemes run by legal services institutions and free legal aid available to poor and needy people, the legal awareness programme under the name 'Kanooni Salah' is being prepared and telecast on Doordarshan. The Member Secretary, Uttarakhand State Legal Services Authority and Secretaries, DLSAs participated as an expert in the said programme providing information about various legal subjects valuable to common masses.

LEGAL AWARENESS CAMPAIGN THROUGH MOBILE VAN

In order to provide legal aid and advice at the doorsteps, legal awareness and sensitization camps are being organized through mobile van throughout the State. During the months of January, 2016 and March, 2016, State Legal Services Authority's mobile van visited District-Bageshwar and District-Tehri Garhwal covering **29** villages whereby **2148** persons were benefited.

In the said camps documentary films on the subjects of mediation, lok adalat and legal aid prepared by National Legal Services Authority and State Legal Services Authority were displayed. The queries raised by the villagers were also resolved on the spot. The applications were also received for legal aid which were either disposed of at the level of State Authority or were sent to the authorities concerned for appropriate and necessary action.

During the aforesaid visits of mobile van, on 18.10.2016 and 19.03.2016 two Mobile Lok Adalats were also conducted in the abovementioned districts wherein out of **205** cases referred to the said mobile lok adalats, **100** cases were settled amicably and **360** persons were benefited.

LEGAL AWARENESS ON COMMEMORATIVE DAYS

Between the months of January, 2016 to March, 2016, the National Cleanliness Day, World Day of Social Justice and World Water Day were observed throughout the State by organizing various legal literacy and awareness camps and seminars.

MISCELLANEOUS ACTIVITIES

Apart from above, the information pertaining to missing people of the State, hospitals and schools running without doctors, teachers and staff has also been sought from all the District Legal Services Authorities.

STATISTICAL INFORMATION**STATEMENT SHOWING THE PROGRESS OF LOK ADALATS HELD IN THE
STATE OF UTTARAKHAND
FOR THE PERIOD FROM JANUARY, 2016 TO MARCH, 2016**

S. No.	Name of DLSA's	No. of Lok Adalats Held	No. of Cases Taken up	No. of Cases Disposed off	Compensation Awarded	Amount Realized As Fine (in Rs.)	No. of Persons Benefited in Lok Adalat
01	ALMORA	04	228	94	47,73,934=00	1,03,500=00	94
02	BAGESHWER	04	399	192	4,10,482=00	92,100=00	192
03	CHAMOLI	02	102	45	7,40,581=00	-	45
04	CHAMPAWAT	02	122	26	3,80,115=00	-	26
05	DEHRADUN	07	6621	1780	1,23,07,531=00	5,94,305=00	1786
06	HARDWAR	07	4866	2263	1,68,93,009=00	7,36,900=00	2273
07	NAINITAL	04	1323	422	26,47,590=00	4,04,900=00	349
08	PAURI GARHWAL	02	504	108	12,13,509=00	-	108
09	PITHORAGARH	05	760	259	29,04,952=00	3,30,000=00	271
10	RUDRAPARYAG	05	243	99	32,07,196=00	16,000=00	97
11	TEHRI GARHWAL	02	195	112	10,40,540=00	-	112
12	U.S. NAGAR	06	3480	1533	3,67,17,685=00	14,35,650=00	1544
13	UTTARKASHI	05	420	169	6,53,449=00	69,300=00	203
	TOTAL :-	55	19263	7102	8,38,90,573=00	37,82,655=00	7100

**STATEMENT SHOWING THE PROGRESS OF CAMPS ORGANIZED IN THE
STATE OF UTTARAKHAND FOR
THE PERIOD FROM JANUARY, 2016 TO MARCH, 2016**

S. No.	Name of DLSA's	No. of Camps Organized	No. of Persons Benefited in Camps
01	ALMORA	26	3350
02	BAGESHWER	34	8341
03	CHAMOLI	15	1469
04	CHAMPAWAT	07	849
05	DEHRADUN	35	4679
06	HARDWAR	35	9398
07	NAINITAL	21	3045
08	PAURI GARHWAL	41	3875
09	PITHORAGARH	12	754
10	RUDRAPARYAG	09	829
11	TEHRI GARHWAL	13	1077
12	U.S. NAGAR	17	3140
13	UTTARKASHI	22	5870
	TOTAL :-	287	46676

**STATEMENT SHOWING THE PROGRESS OF LEGAL AID/ADVICE
PROVIDED IN THE STATE OF UTTARAKHAND FOR THE PERIOD FROM
JANUARY, 2016 TO MARCH, 2016**

S. No.	Name of DLSA's	No. of Persons Benefited through Legal Aid & Advice	
		Legal Aid	Legal Advice
01	ALMORA	19	02
02	BAGESHWER	02	-
03	CHAMOLI	04	01
04	CHAMPAWAT	02	-
05	DEHRADUN	74	-
06	HARDWAR	44	05
07	NAINITAL	09	05
08	PAURI GARHWAL	09	-
09	PITHORAGARH	08	-
10	RUDRAPARYAG	-	-
11	TEHRI GARHWAL	01	07
12	U.S. NAGAR	16	-
13	UTTARKASHI	01	-
14	H.C.L. S. C. NTL	14	03
15	U.K. S.L.S.A., N.T.L.	25	12
	TOTAL :-	228	35

Infrastructure Development at High Court & Subordinate Courts

Infrastructure Development at High Court

1. Construction of (i) 04 Judges Residences, (ii) 92 type-I residences, (iii) 12 type-II residences and (iv) 12 type-III residences at High Court has been approved by the Government. For which, the State Government, vide G.O. 97-two (8)/XXXVI (2)/15-75-two (8)/15 dated 18.02.2016 has approved total budget of Rs. 40.3887 Crores and out of which, an amount of Rs. 10.00 Crores have been released by the Government in the Financial year 2015-16 for expenditure. The budget has already been provided to the construction agency National Building Construction Corporation Limited (NBCC). The process towards construction is in progress.
2. Construction of covered Passage (Girder Bridge) between Registry Block and the Glenthorn office building is underway. It is likely to be completed shortly.

Infrastructure development at Subordinate Courts

(1). Use of renewable energy in court complexes:

Continuous power supply to meet the needs of a Court Complex is very essential. With the increasing demand of electricity in the cities and towns, the supply of electricity becomes erratic. In such conditions, use of solar power as an alternate source of electric power is need of the hour. Moreover, in the Chief Justices Conference -2013 it was resolved that "The High Courts may consider exploring possibility of using solar energy in the court complexes, wherever, feasible, in the day time, in addition to, or in lieu of the provision for diesel generator sets or inverters for power back-up.

In the State of Uttarakhand, District Court complexes of Almora, Champawat, Tehri Garhwal and Udham Singh Nagar and outlying court complex at Haldwani (District Nainital) have been identified to be made solar power based court complexes under the eCourts project.

The Complete budget for installation of Solar Power Plants will be provided by the Department of Justice, Ministry of Law and Justice, Government of India under the eCourts project. Presently, the a DPR of Rs. 85.00 lakh for District Court Complex at Almora and other DPR of Rs. 1.70 Crores for District Court Complex at US Nagar have been sent to the Government of India vide this office letter dated 11.07.2016. The District Judges of remaining three districts (Champawat, Nainital and Tehri Garwal) have been asked to get the DPRs prepared for identified court complexes through concerned UREDA units.

(2). Differently abled friendly complexes:

- (a) The Court Complexes should also take care of the differently abled, who may either be litigants or advocates or even judicial officers as the case may be. Walking ramps, lifts, toilets for differently abled should be made available in each court complex. The district court building at Hardwar has been made disabled friendly. IN the new court buildings, suitable provisions and facilities are being made so as to make the buildings disabled friendly.

Apart from the above, all the District Judges have been requested to furnish estimate regarding following works to be done at all court complexes under their jurisdiction.

- (1) Construction of a ramp at the entrance of the Court building, if not already available.
- (2) Construction of ramp to move around in the ground floor and construction of ramp, if required to enter the court rooms at the ground floor.
- (3) Redesigning/Construction of toilets, both male and female independently so as to make them disabled friendly.
- (4) Vulnerable witness disposition room if a court room or a good sized room is available for being spared for this purpose.

The information has been received from the Districts of (i) Bageshwar, and (ii) Rudraprayag. Further, action would be taken in the matter as soon as the information is received from all the District Courts.

(3). Need for mechanism for review of infrastructure development:

- (a) The mechanism created by Hon'ble Supreme Court in I.A. No. 279 of 2010 in Writ Petition No. 1022 of 1989 has been implemented in the State of Uttarakhand and a Committee headed by Chief Secretary has been created to give momentum to the infrastructure development works and all the issues effecting the infrastructure development for judiciary have been highlighted to the Committee. The Committee regularly meets to discuss various pending issues of infrastructure development for judiciary in Uttarakhand.
- (b) Apart from above, the District Judges, vide Circular Letter dated 11th December, 2012, have been asked to submit proposals of development of infrastructure or improvement in infrastructure by 1st September of each year. The whole idea behind this Circular Letter is to ensure proper and up to the mark physical infrastructure of the Courts. This will also help the High Court to monitor and review that infrastructure development.

The ongoing infrastructure development projects in the subordinate courts are mentioned in the list enclosed.

The Central Government provides assistance under the Centrally Sponsored Scheme for the development of infrastructure of subordinate judiciary. The Centre and State ratio for the State of Uttarakhand has been enhanced from the earlier 75:25 to 90:10. However, the Scheme provides for the infrastructure related works only for Court buildings and residences of Judicial Officers in Subordinate Courts.

The State Government is regularly informed about the need of new Courts and also about the requirement of infrastructure for the new and existing Courts. The requirement is placed before the State Government through the Judicial Department of the State Government. Further, complicated issues are discussed either in the Level-1 meeting between the Chief Secretary, Registrar General and Principal Secretary (Law) or in the Level-2 meeting between Hon'ble the Chief Minister and Hon'ble the Chief Justice.

(4). Creation of new posts /revision of cadre strength at all levels along with supporting staff and requisite infrastructure:

- (a) Creation of new post of judicial officers in the cadre of the State Judiciary but without required number of supporting staff does not help in any way. There is acute shortage of supporting staff in the courts. The detail of number of sanctioned posts, filled up and vacant posts is as below:

As on	Category of post	Sanctioned	Filled up	Vacancies
01.04.2016	SAO	13	12	1
	Class III	1449	876	573
	Class IV	886	592	294
Total	2348	2348	1480	868

- (b) The senior staff is gradually retiring and the junior staff does not have sufficient experience to be promoted to senior posts. Thus, creation of required number of supporting staff with each new post of judicial officer created is a must. In the State of Uttarakhand, as and when a post of a Judicial Officer is created either in the PCS (J)

Cadre or in HJS Cadre, the required posts of supporting staff are also created. The ratio of Judicial Officer/Court with the number of supporting staff is 1:7 and in case of parent/instituting court, then the ratio is 1:8.

- (c) Though the posts of supporting staff are created by the State Government but following two issues are arising in the recruitment of the staff for the subordinate courts:
- i. It has been experienced that the candidates recruited and appointed as ministerial staff often resign from the job after serving for around six months or a year and they join some other government department. The reason found is that the new staff is not ready to work hard in the courts.
 - ii. The posts of stenographers are not getting filled up and sufficient number of candidates are not getting selected in the recruitment examination for stenographers. The candidates are good in typing work but the candidates are not competing in the shorthand test.

At present, the advertisement for recruitment on the post of 91 Stenographer Grade –I in Subordinate Court and 05 posts of Personal Assistants in Family Court has been published on 01.07.2016 and last date of submission is 23.07.2016. The recruitment is being conducted by the High Court. After this recruitment is over, then process will start for recruitment of clerical staff in subordinate courts.

Almora

- 1) Transfer of 0.486 hectare of land for the construction of residential & non-residential buildings of Civil Judge (JHD) Bhikiyasain Almora
- 2) Construction of boundary wall around District Court Complex at Almora.

Bageshwar

- 1) Transfer of land of construction of residential & non-residential buildings for the court Civil Judge (JD) at Garur Bageshwar

Chamoli

- 1) Construction of non-residential buildings of the court of Civil Judge (JD) Gairsain, District Chamoli
- 2) Construction of residential buildings of the court of Civil Judge (JD) Gairsain, District Chamoli
- 3) Transfer of land for construction of residential & non-residential buildings of court of Civil Judge (JD) Pokhari
- 4) Construction of non-residential buildings at Karnprayag
- 5) Maintenance of residences of Class IV employees at Chamoli (Gopeshar)
- 6) Transfer of land for construction of residential buildings at Joshimath, Chamoli

Champawat

- 1) Construction of District Judge Residence at Champawat
- 2) Construction of Type II, Type III & Type IV residence at Champawat
- 3) Transfer of 0.092 hectare of land for construction of residential buildings for Class III & IV employees at Tanakpur

Dehradun

- 1) Construction of New District Court Complex at Dehradun
- 2) Construction of boundary wall around the land measuring 1.2510 hectare at Tarla Nangal, Sahastradhara Road, Dehradun
- 3) Construction of Hall behind Record Room in District Court Compound

Haridwar

- 1) Construction of Court Complex at Laksar District Haridwar
- 2) Construction of 06 type V residence at Roorkee

Nainital

- 1) Construction of 20 Type II residences at Civil Court Complex, Haldwani, District Nainital
- 2) Construction of 12 Toilets for Class-IV employees adjacent to Police Lines, Nainital
- 3) Installation & Commissioning of 5 KVA Generator set for Family Court, Nainital
- 4) Repair works & wooden paneling in the residences of Judicial officers at Tallital, Nainital
- 5) Electric re-wiring in the Civil Court building at Haldwani, District Nainital

- 6) Construction of 06 Type V residences in the civil Court premises at Haldwani, District Nainital
- 7) Construction of residential & non-residential buildings at Dhari
- 8) Construction of court-rooms at the 1st floor of court building of outlying court at Ramnagar
- 9) Regarding lease of land for construction of Lawyers' chambers in the premises of Civil Court, Nainital

Pauri Garhwal

- 1) Construction of residential & non-residential buildings at Srinagar, District Pauri
- 2) Construction of Type I & Type II residences of the court of Civil Judge (JD) Dhumakot
- 3) Demolition of existing 02 Type III residences & construction of new residences at Pauri
- 4) Construction of residential & non-residential buildings of court of Civil Judge (JD) at Lansdone

Rudraprayag

- 1) Transfer of land for construction of residential buildings of Judicial officers & employees of Rudraprayag Judgeship
- 2) Transfer of land for construction of residential & non-residential buildings of court of Civil Judge (JD) Ukhimath
- 3) Transfer of 0.092 hectare of land for construction of residential buildings for Class III & IV employees at Tanakpur

Tehri Garhwal

- 1) Construction of Type V residences for Judicial officers at New Tehri, Tehri Garhwal
- 2) Construction of residential complex for Judicial Officers & Staff at Kirtinagar

Udham Singh Nagar

- 1) Construction of Type I, II & III residences at Kashipur

Progress in Finance Commission Recommendations

14th Finance Commission came into force with effect from 01st April, 2015. For the effective implementation of the recommendations made by the 14th Finance Commission, the State Government on the proposal from the High Court sent vide letter dated 15.09.2015, constituted a High Level Monitoring Committee vide G.O. No. 58- two)1)/XXXVI(2)/2015 dated 12.10.2015. The Committee comprises of the following:

- (a) Chief Secretary-Chairperson
 - (b) Registrar General
 - (c) Principal Secretary (Law) cum LR-Member Secretary
 - (d) Principal Secretary/Secretary, Finance
 - (e) Principal Secretary/Secretary, PWD
 - (f) Director, Uttarakhand Judicial and Legal Academy
 - (g) Member Secretary, Uttarakhand State Legal Services Authority
 - (h) Registrar (Computers)/CPC
 - (i) Any other Officer specially invited.
3. The High Level Monitoring Committee held its first meeting on 16.12.2015 and in the meeting the Chief Secretary and the members were briefly informed about the different heads sought to be covered under the 14th Finance Commission. Following was resolved in the said meeting:
- (a) That the State Government agrees with the proposals of the 14th Finance Commission however, the funds would be provided on need basis. The State Government agreed that the proposals will be implemented within the overall framework of the proposals approved by the Finance Commission. It was also pointed out by Secretary (Finance) that the Government of India has not allocated or provided funds for the Judicial under the 14th Finance Commission and the proposals approved for Judiciary under the 14th Finance Commission are to be implemented by the State Government out of the enhanced tax devolution share.
 - (b) The different Stakeholders i.e. the High Court, State Legal Services Authority and Uttarakhand Judicial and Legal Academy will prepare their respective Annual Plans on actual need basis and as to how they intend to utilize the funds under the 14th Finance Commission.
 - (C) The Annual Plans would be submitted to the Judicial Department and thereafter the plans would be placed before the High Level Monitoring Committee in its next meeting. The Action Plan of the High Court for the year 2016-17 has been sent to the State Government vide this office letter dated 11.07.2016. Presently the budget allocation from the Government is awaited.

UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL

Training Programmes held in the month of January, February and March 2016 :-

S. No.	Name of Training Programmes/ Workshops	Duration
1.	Foundation Training Programme or Newly Appointed Civil Judges (Jr. Div.) 2013 Batch (2 nd Phase)	31 October, 2015 to 29 February, 2016 (04 Month)
2.	Training Programmes for Panel Lawyers organised by the UKSLSA (1 st Phase)	01 & 02 March, 2016 (for two days)
3.	Workshop for Civil Judges (Sr. Div. & Jr. Div.) on Survey Methodology & Procedure (1 st Phase)	04 & 05 March, 2016 (for two days)
4.	Training Programmes for Panel Lawyers organised by the UKSLSA (2 nd Phase)	08 & 09 March, 2016 (for two days)
5.	Training Programmes for Panel Lawyers organised by the UKSLSA (3 rd Phase)	10 & 11 March, 2016 (for two days)
6.	Workshop on 'Negotiable Instruments Act; 1881' For CJM's/Judicial Magistrates of Uttarakhand (1 st Phase)	14 to 16 March, 2016 (for three days)
7.	Training Programmes for Panel Lawyers organised by the UKSLSA (4 th Phase)	18 & 19 March, 2016 (for two days)

* * * * *



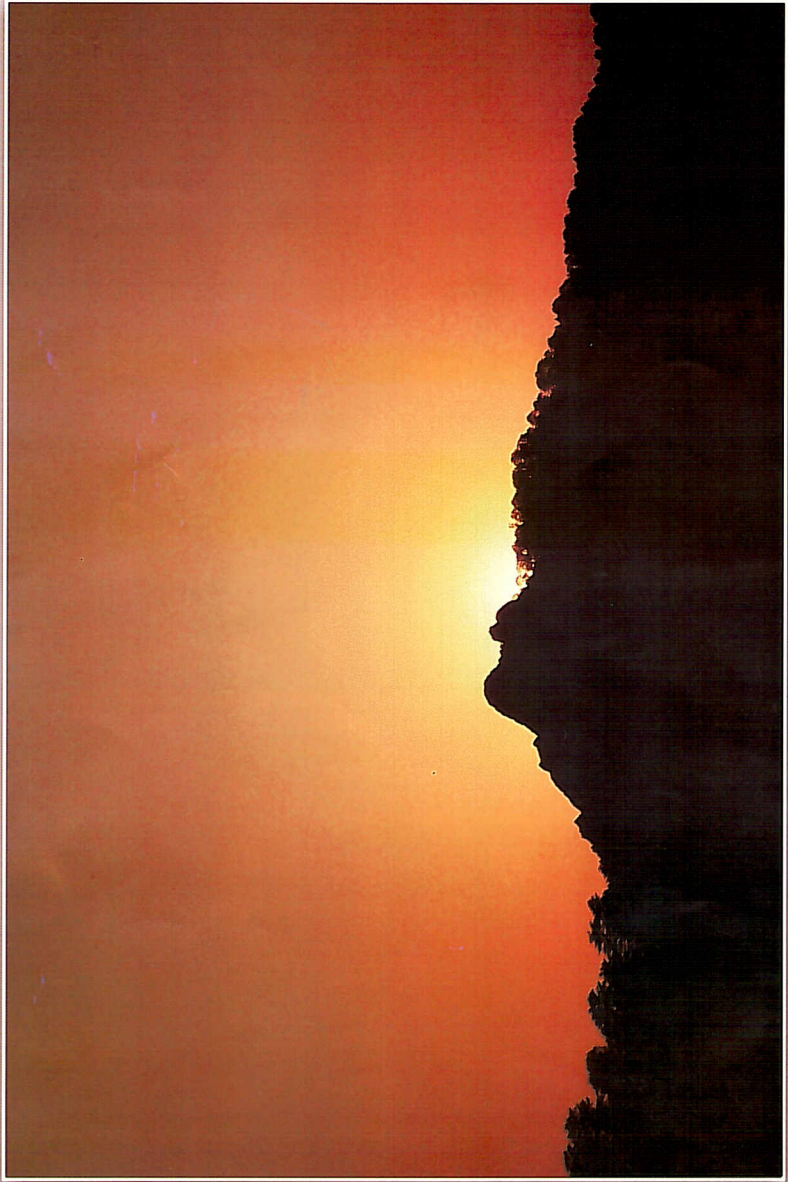
**Uttarakhand Judicial and Legal Academy,
Bhowali, District- Nainital
Workshop on 'Survey Methodology
& Procedure'
For Civil Judges (Sr. Div. & Jr. Div.)
on 04 March, 2016 & 05 March, 2016**

**Workshop on 'Negotiable Instruments Act, 1881'
For CJM's/Judicial Magistrates of Uttarakhand
From 14 March, 2016 to 16 March, 2016**



**Foundation Training Programme for Newly Appointed
Civil Judges (Jr. Div.) Batch- 2013
(2nd Phase)
from 31 October, 2015 to 29 February, 2016**





View of Camel back in Nainital