

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

Sd/-
(Hira Singh Bonal)
Registrar General

No 1752/UHC/Admin.B/2020, Dated 11.04.2020

Copy to Followings for information and needful-

- 1.** P.P.S. to Hon'ble the Chief Justice for placing copy of this Notification before His Lordship.
- 2.** P.S./P.A. to the Hon'ble Judges, for placing copy of the Notification before Their Lordships.
- 3.** Advocate General, Uttarakhand.
- 4.** Chief Standing Counsel/Government Advocate, Uttarakhand.
- 5.** Assistant Solicitor General, Government of India, Nainital.
- 6.** Additional Chief Standing Counsel for State of Uttar Pradesh at Nainital.
- 7.** President/Secretary, High Court Bar Association, Nainital with request to inform all the members of the Bar.
- 8.** Secretary Law, Government of Uttarakhand, Dehradun.
- 9.** Member-Secretary, UKSLSA, Nainital.
- 10.** All the Registrars/JRs/DRs/ARs of the High Court.
- 11.** All the Sections of the High Court.
- 12.** Protocol Officer/Public Relation Officer/Management Officer of the High Court.
- 13.** Director, Printing and Stationery, Roorkee with request to publish this Notification in the next issues of the Gazette.
- 14.** Officer I/c, NIC, High Court of Uttarakhand, Nainital with request to publish the Notification in official website of the High Court.
- 15.** Guard file/Notice Board.

Registrar (Judicial)

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.

Sd/-

(Hira Singh Bonal)
Registrar General