

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

Sd/-
(Hira Singh Bonal)
Registrar General

No 1753/UHC/Admin.B/2020, Dated 12.04.2020

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.** Secretary Law, Government of Uttarakhand, Dehradun.
- 4.** Uttarakhand Judicial and Legal Academy, Bhowali, Nainital.
- 5.** Member-Secretary, UKSLSA, Nainital.
- 6.** All the District & Sessions Judges, Principal Judge/Judge, family Courts, Special Courts of the State.
- 7.** All the District Magistrates/SSPs/SPs of the State for informing the Governments Counsels/Prosecution Officers and all the other concerned.
- 8.** All the Registrars/JRs/DRs/ARs of the High Court.
- 9.** All the Sections of the High Court.
- 10.** Protocol Officer/Public Relation Officer/Management Officer of the High Court.
- 11.** Director, Printing and Stationery, Roorkee with request to publish this Notification in the next issues of the Gazette.
- 12.** Officer I/c, NIC, High Court of Uttarakhand, Nainital with request to publish the Notification in official website of the High Court.
- 13.** Guard file/Notice Board.

Registrar (Judicial)

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.

Sd/-

(Hira Singh Bonal)
Registrar General