

HIGH COURT OF UTTARAKHAND, AT NAINITAL

NOTIFICATION

No. ¹⁵⁶/UHC/Admin. B/2021

Dated: 13th April, 2021

**SOP to be followed in District Courts and Family Courts of State of
Uttarakhand in view of COVID-19 pandemic**

1. All the guidelines and precautions being issued from time to time by the Central/State Government and other competent authorities regarding COVID-19 pandemic shall be strictly followed.
2. The Courts and Tribunals, subordinate to the High Court of Uttarakhand in such districts shall take up the following nature/type of judicial work through Video Conferencing:-
 - a. Urgent nature of cases, such as Bail, Remand (except first remand and recording of statement under Section 164 CrPC), Injunction application or any other alike cases as Court deems it urgent etc.
 - b. Cases/applications fixed for arguments.
 - c. Cases fixed for framing of charges and recording of statement of accused under Section 251 and Section 313 of the Code of Criminal Procedure.
 - d. Cases fixed for hearing on application under Section 319 of the Code of Criminal Procedure.
 - e. Applications in which only objection from opposite party and thereafter argument is required.
 - f. Framing of Issues.
 - g. Any other application/cases, which the concerned Court deems it fit to hear through VC.
3. The number of cases in the docket of each Court shall be kept as minimum as can be conveniently taken up through VC mode.
4. Physical presence of litigants and advocates shall be totally prohibited in the Court Halls.
5. Judicial work shall be conducted through video-conferencing mode, for which, Video-Conferencing software 'Google Meet', or if it is not available for any reason, 'Jitsi Meet' software shall be used. In the event of any problem with these software applications, any other video conferencing software may be used and reason for the same may be incorporated in the ordersheet or order.



6. All such work, which are permitted by this SOP, shall be conducted through video-conferencing, subject to the provisions of "The High Court of Uttarakhand Video Conferencing Rules, 2020".
7. Till the hardware required for Video Conferencing for all the Courts is procured, the Judicial Officers shall use official Laptops allotted to them by the High Court. In case, any judicial officer wants to use her/his personal laptop/desktop/Tablet/Ipad/Smartphone, etc. where available, she/he will be at liberty to use the same for the purpose of such video conferencing.
8. The VC rooms available with the District Courts may also be used for the purpose of hearing of cases through VC. In such a situation, the use of VC rooms shall be regulated. Meaning thereby, that, if any Judicial Officer intends to use the video conferencing room situated at the District Court, the officer may beforehand request the District Judge in this regard. After collecting all such requests, District Judge may create and allot different time slot for such Judicial Officers requiring the services of VC room. Such time slot shall be published in the official website of the District Court.
9. District Judges shall take necessary steps for ensuring Internet Connectivity (One primary and one backup) and Webcams of good quality with microphones as per letter no. 1877/Server/V-1/2012 Dated 08 April, 2021.
10. The internet connections and hardware presently available with the District Courts, should be upgraded to latest technology available for fast and uninterrupted audio-video streaming. Meanwhile, the Judicial Officers shall use their mobile data available on their official mobile numbers or the dongles as directed by this Court vide letter no. 2300/UHC/Admin.B/DJC/2012 dated June 02, 2020 for ensuring continuous internet connectivity.
11. In appropriate cases, Judicial Officers may be permitted to conduct the VC by their official laptop/mobile phones from their official residence. This may also take care of connectivity issue as judicial officers may use their official broad band connection installed at their residence. District Judges may be directed to take care of issues pertaining to broad band



connection, such as payment of bills etc., installed at the official residences of the judicial officers.

12. A dedicated number (Help Line number) for each district shall be arranged by the concerned District Judge(s) to resolve any issue in smooth functioning of the Courts through Video Conferencing. Suitable staff shall be deputed to attend the said helpline number. Such staff member shall act as a linkpin/coordinator between the Court and the litigant/Counsel to smooth out the glitches in video connecting the two ends.
13. All the District Judges shall request the concerned Bar Associations to set up a similar type of control room in their Association Hall for the Advocates/litigants to connect to the concerned court for their matters. The Advocates/litigants may have the liberty to connect from their residential offices/homes respectively in order to restrict the footfall in the court premises.
14. Each Court shall prepare a cause list, depicting therein the mode of hearing and approximate time slot of hearing. The cause list with such information shall be published on the official website of the respective District Court on daily basis.
15. Court-wise VC link with details of VC software to be used shall be created and published on the official website of the District Court.
16. Drop boxes shall be arranged at appropriate place of each Court, to drop original applications etc., which shall be taken out by the concerned court on the next working day. The contents of the drop boxes should be taken out using sanitization gloves. The drop boxes shall be sanitized on daily basis after the contents of previous day are taken out.
17. Email id for the purpose of filing of cases/applications shall be created in following manner:-
 - a. One common email id for District Court
 - b. One common email id for every outlying Court
 - c. One email id for Family Court
 - d. Separate email id for all the other Special Courts.
18. The Email ids of the Courts shall be published at the official website of the District Court.

19. Presence of court staff shall be maximum upto one third of the strength of the Court staff. So far as may be possible, no employee/staff member above the age of 52 years be permitted to attend the office.
20. Sanitization of the whole Court premises should be ensured twice a day on daily basis.
21. Every entrant to the court premises should be checked for temperature through thermal imaging guns.
22. No one shall be allowed entry into the Court premises, without wearing a mask of proper specification. The entry point in the Court premises may be manned by a capable staff and should provide for touch free sanitizer dispensers.
23. It shall be advised to all concerned that on feeling unwell, such person will keep off from the court premises and shall take immediate medical assistance.
24. All the mechanism adopted for conduct of judicial business will be displayed on the website of District Court concerned and may also be circulated through local print media.
25. Assistance of District/Health authorities shall be taken, wherever required.
26. Regular discussions with the concerned Bar Associations shall be held for ensuring proper implementation of this SOP and other official guidelines issued, so that, judicial work may be conducted smoothly and safely.
27. On every working Saturday or any other working day, training on video conferencing shall be imparted to the Court staff by the District System Administrators/System Officer/System Assistant under supervision of the Nodal officer (Computers), so that, court staff may acquire adequate skills in working through video-conferencing mode. The trainers shall also assess the skills acquired by the concerned staff and shall report to the District Judge through the Nodal officer (Computers) regarding the progress of the staff and any need for further training of such staff.
28. After the training, a feedback-form shall be filled-up by the trained court staff, wherein, it shall submit in brief as to what has been learned from the training programme and what more will be required. The Court staff shall also submit in brief the problem faced by them during the Video conferencing other than technical issues like internet connectivity, which



will be dealt by the System Officers/District System Administrators /System Assistants.

Step By Step Procedure For Hearing Through VC

1. All suits, applications, appeals etc. (which are urgent in nature, or, are as being permitted by this SOP) shall be filed through the email id of the concerned Court. In every such case, it shall be necessary for the parties and their advocates to provide their mobile numbers and email id.
2. Original copy of plaint, application, memo of appeal etc. may be dropped in the Drop Box placed outside each court.
3. In case, it is not possible to drop/place the copy of plaint, application, memo of appeal etc. into the drop box, the same may be submitted to the concerned court on return of normalcy. In such case, the concerned party shall file an affidavit undertaking to submit the same as soon as possible.
4. If the suit, application, appeal etc. pertains to District Court and Special Courts, the System Officer/ System Assistant/DSA may receive that mail and forward it to the personal email id of the Presiding Judge or his/her Court official. If the case pertains to Family Court, the Presiding Judge shall directly access on its own or through a staff nominated in this behalf.
5. The concerned court staff/official shall thereafter take a printout of the application, suit etc. and place it before the Court for being dealt with accordingly.
6. If the email pertains to a new suit/proceeding etc.,:-
 - a. A new file shall be created and a case number shall be assigned to it, which shall be later on integrated with the original file/documents received from the parties or their counsels, as per rules.
 - b. In case the nature of the suit/proceeding etc. is of such urgent nature which must be heard on the same day, the Presiding Judge shall intimate the party/counsel about the time of hearing through mail, sms etc.
 - c. If the Court does not proceed to hear upon it immediately, the Court shall fix the date for hearing/proceeding and intimate the parties through SMS, VC or through the cause-list to be uploaded on website of the District Court. Alternatively, the intimation could also be shared by whatsapp, if deemed necessary and proper.



7. In case, an application pertains to an already pending case with date fixed in it, the Court shall take a printout of it to be kept on the concerned file and hear it only on the date fixed.
8. At the date/time fixed for hearing, the parties and their advocates may join the VC through the link of concerned Court available at the official website of the District Court. No unauthorized person should be permitted to join the VC.
9. During VC, all the stakeholders shall be required to strictly maintain the decorum and dignity of the Court.
10. After hearing of the case, if the Court intends to pass any order on the same day, it shall communicate the same to the parties. After passing the order, it shall be immediately uploaded to the CIS software. In extraordinary circumstances, the Court may send scanned copy of order to the parties concerned.
11. If the Court does not intend to pass the order on the same day, it shall notify the date of order to the parties in the VC itself, and follow the aforesaid procedure upon passing of the order.
12. If the Court intends to adjourn the case, it shall notify the next date fixed to the parties through the modes described above.
13. In bail matters, the bail-bonds of sureties may be received through email accompanied with the affidavit of the sureties undertaking therein to submit all the original documents forthwith. The personal verification of such sureties and applicant (in case of release of case property) shall also be conducted through VC. The documents relating to the identity of sureties/applicant shall be mailed to the email id created as above and thereafter same procedure shall be followed which is prescribed for receiving applications etc.
14. Wherever, signature of the concerned parties is necessary, such as in the case of statement of accused etc., the Presiding Judge shall make an endorsement at the relevant place that the statement of the concerned party has been recorded through VC on date....time....throughsoftware because of which physical signature could not be obtained. A screen shot of the computer/mobile screen having the accused photo may be taken and printout of the same may be attached with the statement.

15. First Remand and recording of statement under Section 164 CrPC may be done physically subject to strict adherence to the Covid-19 preventive protocols.
16. In case of any procedural/technical/other exigency, the District Judge may take appropriate steps as per law, which shall be intimated to High Court immediately thereafter.
17. Each and every step taken in furtherance of the aforesaid guidelines along with the conduct of business (court-wise & date-wise) shall be communicated to the High Court on weekly basis through email only.

Kindly make the strict compliance of the aforesaid directions issued by the Hon'ble Court.

By orders of the Hon'ble Court

Sd/-

(Anuj Kumar Sangal)
Registrar (Vigilance)
for Registrar General

No. 1928 /UHC/Admin. B/2021

Dated: 13th April , 2021

Copy for information and necessary action to:

1. All the District Courts and Family Courts of State of Uttarakhand.
2. President, Bar Council of Uttarakhand.
3. P.P.S. to Hon'ble the Chief Justice for placing copy of this Notification before His Lordship.
4. P.S./P.A. to the Hon'ble Judges, for placing copy of the Notification before their Lordships.
5. Secretary Law-cum-L.R., Government of Uttarakhand, Dehradun.
6. Uttarakhand Judicial and Legal Academy, Bhowali, Nainital.
7. Member-Secretary, UKSLSA, Nainital.
8. All the Registrars/JRs/DRs/ARs of the High Court.
9. Officer I/c, NIC, High Court of Uttarakhand, Nainital with request to publish the Notification in official website of the High Court.
10. Guard file/Notice Board.

R. Sangal
13/04/2021
Section Office