

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Office of the Registrar General at Jammu)

Subject: Amendment to the Jammu and Kashmir High Court Rules, 1999.

NOTIFICATION

No: 1247 of 2021/Reg Dated: 15/11/2021

In exercise of its powers under Articles 225 of the Constitution of India, the High Court of Jammu & Kashmir and Ladakh, with prior approval of the Lieutenant Governor of the Union Territory of Jammu and Kashmir amend "The Jammu and Kashmir High Court Rules, 1999" as follows:

1. Preamble is replaced as under:

In exercise of the powers conferred by Article 225 of the Constitution of India and Section 75 and 77 of the Jammu & Kashmir Reorganization Act, 2019 (Central Act 34 of 2019) read with Sections 122 and 129 of the Code of Civil Procedure, 1908, Section 8 of the Jammu and Kashmir State Civil Courts Act, Samvat 1977 and Clause 26 of the Letters Patent (Jammu & Kashmir) and all other powers enabling it in this behalf, the High Court of Jammu & Kashmir and Ladakh with the previous approval of the Lieutenant Governor, promulgates and issues, with respect to practice and procedure to be followed at the High Court, the following rules, namely:

2. In Rule 1(3), the following sentence is added at the end of the rule:

If any doubt or difficulty arises in the application of any of these Rules to pending causes or matters, the matters shall be placed before the Chief Justice, who may pass such order as he considers just and proper in the circumstances of the case, and a compliance with such order shall be sufficient compliance with the provisions of these Rules.

3. Rule 3(m) is reframed as under:

'Registrar means Registrar General of the High Court and includes Registrar, Additional Registrar, Joint Registrar, Deputy Registrar or an Assistant Registrar of the High Court, in relation to the powers, duties or functions exercised or performed by the Registrar, Additional Registrar, Joint Registrar, Deputy Registrar or the Assistant Registrar as the case may be under these Rules'.

4. In rule 3(c), the words 'Jammu and Kashmir Evidence Act, 1977 (XII of 1977)' are substituted with the words 'Indian Evidence Act, 1872'

5. In rule 3(e), the figures '1977 (X of 1977)' are substituted by the figure '1908' and the figures '1989 (XIII of 1989)' are substituted by the figure '1973'.

6. In rule 3(g), the words 'as applicable to the state of Jammu and Kashmir' are omitted.
7. In rule 3 (k), words 'the Governor of the State of Jammu and Kashmir' are substituted by the words 'the Lieutenant Governor of the Union Territory of Jammu and Kashmir'.
8. Rule 3(o) is omitted.
9. In rule 3 after the clause (q), clause (r) is added as under:
'Document: Document means Document as defined under the Electronic Filing (E-filing) in the High Court of Jammu & Kashmir and Ladakh and Subordinate Courts of Jammu and Kashmir and Ladakh Rules, 2021.
10. In Rule 3 after the clause (r), clause (s) is added as under:
'Filing: Filing means and includes filing through physical mode or E-Filing'
11. In rule 3 after the clause (s), clause (t) is added as under:
'Presentation: Presentation means and includes presentation either through physical mode or E-Filing'
12. In Rule 3 after the clause (t), clause (u) is added as under:
'Union Territory means the Union Territory of Jammu and Kashmir and the Union Territory of Ladakh'
13. In rule 13, the words and figures "Jammu and Kashmir Representation of People Act, 1957" are substituted with the words and figures "The Representation of the People Act, 1951".
14. In rule 15 (A)(b)(i), the figures "476(1)" are substituted with figures "340".
15. Rule 15 (B) (2) is reframed as under:
"to sign all pay, training allowances and contingent bills of establishment and to pass orders for contingent expenses within the limit of Rs. 5,00,000 (five lacs)."
"Provided that the power to pass orders for contingent expenses shall be exercised by the Registrar(s) of the rank of District & Sessions Judge"
16. In rule 21(IV), words and figures 'Sections 435 and 439' are substituted by the words and figures 'Sections 398 and 401' and the words and figures 'Samvat 1989 (XII of 1989)' are substituted by the figure '1973'.
17. Rule 21(VII) is reframed as under:
"Writ Petitions including petitions under Section 475(3) of the Criminal Procedure Code, 1973."
18. In rule 21(XII), words 'Section 104 of the Constitution' are substituted by words 'Article 227 of the Constitution of India'.
19. Rule 23(2), is reframed as under:
"Cases assigned to or made part heard by a particular Judge shall automatically stand released whenever such Judge is shifted to other wing of the High Court or on expiry of three

months from the date it was last heard by such Judge, whichever would be earlier, and shall be listed before the available roster bench in the concerned wing”.

20. In rule 24, after the words ‘filing counter’ the words ‘or e-Filed’ are added.
21. In rule 25 (2), the word “admission” is substituted by word “registration”.
22. In rule 26(1), after the words ‘may lodge a caveat’ words ‘through physical mode or E-Filing’ are added.
23. In rule 26(2), after the words ‘acknowledgment due’ the symbol ‘,’ is deleted and the words ‘or through e-mail or any other virtual mode’ are added. In same Rule, after the words ‘receipt of the registered post’ words ‘or proof of virtual service’ are added.
24. In rule 26 (6), the word ‘sub-section’ is substituted by the words ‘sub-rule 1’.
25. In rule 27(1), the word ‘State’ shall be replaced by the word ‘National’ and in the inscriptions after the word “Kashmir”, words “and Ladakh” are added.
26. In rule 29(1)(d), the words and figures “Jammu and Kashmir Hindu Marriage Act, 1990” are substituted with the words and figures “The Hindu Marriage Act, 1955.”
27. In rule 29(5), the words ‘Section 104 and 105 of the Constitution’ are substituted by the words ‘Article 227 and Article 228 of the Constitution of India’.
28. In rule (29)(7), the figures “491” is substituted with figures “475(3)”.
29. In Rule 29(9)(c), the figures ‘417(2)’ are substituted by the figure ‘378(4)’ and the figures ‘1989 (1933 A.D.)’ are substituted by the figure ‘1973’
30. In Rule 29(9)(d), words and figures ‘Section 307’ are deleted and the figure ‘432’ is substituted by the figure ‘395’ and the figures ‘1989 (1933 A.D.)’ are substituted by the figure ‘1973’
31. In Rule 29(9)(e), the figure ‘439’ is substituted by the figure ‘401’ and the figures ‘1989 (1933 A.D.)’ are substituted by the figure ‘1973’
32. In Rule 32 wherever the words and figure ‘Section 105 of the Constitution’ appears the same are substituted by words and figure ‘Article 228 of the Constitution of India’
33. In Rule 41, the figures ‘419’ is substituted by the figure ‘382’.
34. In Rule 50(IV), words and figures ‘1977’ (VII of 1977)’ are substituted with the figure ‘1870’.
35. In Rule 51, the words “four” and “copies” are substituted with “one” and “copy” respectively.

36. Rule 64 is deleted.
37. In Rule 77, after the words, "to the High Court shall be presented", the words "physically or through electronic mode" are added.
38. In Rule 79, the words "present in the city" are substituted by word "available".
39. In Rule 101, the expression "rule 4 of Order XLI-A" is substituted by the expression "Rule 14 of Order XLI".
40. In Rule 110, the words "under or in the manner prescribed by rule 13 of order XLI of the Code of Civil Procedure" are deleted.
41. Rule 134 is renumbered as Rule 134(1) and in said Rule 134(1) after the words 'examined by the court' words 'in person or through video conferencing,' are added.
42. After Rule 134(1), Sub-rule (2) is added as follows:

'(2) Where the Party/Advocate as provided in sub-rule 1 is to be examined through video conferencing the same shall be governed by High Court of Jammu and Kashmir Rules for Video Conferencing for Courts 2021'
43. In Rule 135(1), after the words 'language of the Court,' words 'physically or through video conferencing' are added.
44. In Rule 135 after sub-rule 3, sub-rule 4 is added as under:

'(4) Where the evidence of witness as provided in terms of this Rule is to be recorded through video conferencing, the same shall be governed by High Court of Jammu and Kashmir Rules for Video Conferencing for Courts 2021'
45. In Rule 138(1), after words 'in open Court' the words 'or through video conferencing' are added.
46. In Rule 153(2) after words 'Jail appeals may be' the words 'E-Filed or' are added.
47. In Rule 161, after words 'accused person in custody' symbol ',' is added followed by words 'either physically or through video conferencing,'.
48. In Rule 163, clause (a) and (b) are omitted.
49. In Rule 164, the figure '438' is replaced by the figure '399 and 400'
50. In Rule 166, the figure '439' is replaced by the figure '401'
51. In Rule 169(3)(e), figures '342 and 364' are substituted with figures '313 and 281'.
52. In Rule 169(3)(g), figure '364' is substituted with figure '281'.
53. Rule 169(3)(k) is omitted.
54. In Rule 170, figure '374' is substituted with figure '366(1)'.



55. In the Heading of the Chapter XV (D), the figure "417" is substituted with the figure "378".
56. In Rule 171, figure '417' is substituted with figure '378'.
57. In Rule 173, the figures "417" is substituted with figure "378"
58. In Rule 181, the figure "109" is substituted with figure "139".
59. In rule 206 (2), the words "three Judges" are substituted with the words "two third of the working strength of the High Court".
60. In rule 207(h), the words "a Munsiff" are substituted by the words "Civil Judge(s) (Jr. Division)"
61. In rule 229, wherever the word 'State' appears the same is substituted with the words 'Union Territory'
62. After Rule 247, the following Rules are added:
247A: An application for grant of a copy of order/judgment of the High Court may also be presented before the nearest District Court or Common Service Centre (CSC).
247B: The procedure for obtaining certified copies of orders/judgments of the High Court from the nearest District Court or CSC shall be as follows:
 - i. Applicant can apply for certified copy of order/judgment of the High Court in the format given below in the nearest District Court or CSC with a flat copying fee of Rs 100/- in the form of stamps/cash deposit/ online transfer or any other mode as may be prescribed by the Chief Justice irrespective of the number of pages of the order/judgment to be supplied.
 - ii. If the copy of the order is required by post, additional fee of Rs 100/- is payable.

FORMAT

To
The Registrar Judicial,
High Court of Jammu & Kashmir and Ladakh,
Jammu/Srinagar.

Sir,

Kindly issue certified copy of order/judgment passed by the Hon'ble High Court, in the case below:-

- (a) Case Number:-
- (b) Title of the Case:-
- (c) Date of the Order:-

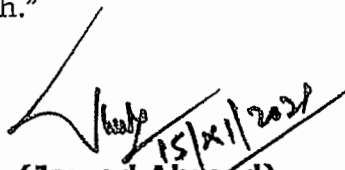
- * Name with parentage of the applicant or name of the Advocate:
- * Mobile Number:
- * Postal address including nearest post office:
- * Email ID:

Date:-

* Mandatory fields.

63. In Rule 249, the figure "1995" is substituted with the figure "1963".
64. In Rule 255, the words, symbols and figures "15 to 25 of Order XV (Civil Appeals) and Rules 17 - 22 of Order XXI, (Criminal Appeals) Part II of the Supreme Court Rules, 1966" are substituted with the words, symbols and figures "12 to 22" of Order XIX (Civil Appeals) and Rules 7 to 13 of Order XX (Criminal Appeals) Part II of the Supreme Court Rules, 2013".
65. In Rule 274, the word 'State' is substituted with the words 'Union Territory'.
66. Chapter XXIII is deleted.
67. In heading of Chapter XXV, the words "State of Jammu and Kashmir" are substituted with the words "Union Territory of Jammu and Kashmir and Union Territory of Ladakh."
68. In rule II(1)(i) of Chapter XXV, the word "State" is substituted with "Union Territory".
69. In rule II(1)(iv) of Chapter XXV, the acronym "JKSLSA" is substituted with acronym "JKLSA and LLSA", the word "State" is deleted and the acronym "DSLISA" is substituted with acronym "DLSA".
70. In rule (II)(3) of Chapter XXV, the words and figures "Jammu and Kashmir Legal Services Authorities Act, 1997" are substituted with the words and figures "The Legal Services Authorities Act, 1987".
71. In rule (II)(4) of Chapter XXV, the word "State" is deleted and the acronym "JKSLSA" is substituted with acronyms "JKLSA and LLSA" and acronym "DSLISA" with "DLSA".
72. In rule (VIII) of Chapter XXV, the word "State" is substituted with the word "Union Territory".
73. In Schedule-A to Chapter XXV, the word "State" is substituted with the word "Union Territory of Jammu & Kashmir and Union Territory of Ladakh."

By Order.


(Jawad Ahmed)
Registrar General

No: 47273-316/Reg/qs
Copy of above forwarded to the:

Dated: 15/11/2021.

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh,
2. Secretary to Hon'ble Mr/Mrs Justice _____
..... for information of their Lordships.
3. Secretary to Government, Department of Law, Justice and Parliamentary Affairs, UTs of J&K and Ladakh,
4. Registrar Vigilance, High Court of J&K and Ladakh,
5. Registrar Rules, High Court of J&K and Ladakh
6. Member Secretary, J&K Legal Services Authority,
7. Registrar Judicial, High Court of J&K and Ladakh, Jammu/Srinagar,
8. All Principal District & Sessions Judges, UT of J&K and UT of Ladakh,
..... for information.

9. CPC, e-Courts, High Court of J&K and Ladakh, Srinagar for information and with the request to get the same uploaded on the official website of the High Court.
10. Manager, Government Press, Jammu for publication in the next issue of the Government Gazette.
11. In-charge Library, High Court Wing Jammu/Srinagar for information and keeping the record.


Registrar General