

HIGH COURT OF JAMMU AND KASHMIR AT SRINAGAR

ORDER**No:** 332 of 2021/REG.**Dated: 25.05.2021**

With a view to ensure the safety of Judicial Officers, Advocates, Court Officials and all other stakeholders from the sudden alarming surge in the COVID-19 infection cases, the filling/hearing of cases in the District and Subordinate Courts in the UTs of Jammu & Kashmir and Ladakh was permitted through virtual mode vide High Court order No. 259 of 2021/RG dated 26.04.2021. Subsequently, vide High Court order No. 299 of 2021/RG dated 10.05.2021, the Judicial Officers were given liberty to work through virtual mode from their respective official residences. However, for remand purposes or for meeting any judicial exigency, the concerned District Judge was asked to prepare a sitting roster for all District Judges and Magistrates.

Some Courts have expressed difficulty in implementing condition No.2 pertaining to District and Subordinate Courts in the High Court order No. 259 of 2021/RG dated 26.04.2021, in filing of fresh cases. It is clarified that at district headquarters fresh cases shall be filed on dedicated e-mail addresses of the Courts of Principal District Judge/CJM concerned, who shall thereafter assign the same among the ADJs/Magistrates, as the case may be. Whereas, only in pending matters, fresh miscellaneous applications or any type of pleading shall be directly filed in the concerned court on the dedicated e-mail address of that particular court created in terms of conditions No. 2 pertaining to the District and Subordinate Court vide High Court order No. 259 of 2021/RG dated 26.04.2021.

Some difficulties have been expressed by members of the Bar regarding conduct of proceedings by some Courts through virtual mode and also regarding the Courts not updating the proceedings on CIS, which is causing lack of real time information. It has been observed that some Judicial Officers conduct hearing of the cases through virtual mode either through Whatsapp Call or Voice Call as per their own convenience without adhering to the official court timing and some Judicial Officers have not even posted their link on website as was required in terms of condition No. 7 pertaining to

District and Subordinate Courts in High Court order No. 259 of 2021/RG dated 24.06.2021.

It has also been observed that the sitting roster for the District Judges and Magistrates for remand purposes or for meeting any judicial exigency has been misconstrued. In some districts roster has been prepared for sitting of Judicial Officers to attend the emergency work of all other courts and the officers who do not have roster for a particular day do not attend any judicial work on that particular day, which was not the purport of the High Court order No. 299 of 2021/RG dated 10.05.2021.

With a view to redress the grievances being faced by the advocates/litigants in virtual hearing of cases, it is impressed upon all the Judicial Officers of UTs of Jammu & Kashmir and Ladakh and also the officers on deputation to Tribunals to observe the following uniform workflow for day to day work of their respective Courts through virtual mode:

- a. For virtual hearing of the cases, Judicial Officers are at liberty to use any video conferencing tool like JitsiMeet or GoogleMeet or Zoom. The choice of the software shall depend upon its compatibility with the connectivity available.
- b. Once a particular tool is chosen, a permanent link shall be generated and same shall be posted on the official website of the District Court concerned. The link shall also be forwarded to the District and Tehsil Bar Associations of the concerned District for information through whatever means available.
- c. On each working day, the concerned Judicial Officer shall open the video conference on his personal laptop/desktop well before the official court timing.
- d. The Judicial Officer shall ensure the attendance of the fifty percent of the staff of the Court on each working day. As the staff on duty shall be having access to the physical files in the Court, one or more members of the staff present in the Court shall also join the virtual hearing on the link opened by the Judicial Officer. Such other members of the Court staff, who may not be in the Court on a particular day as per the roster, shall also join if directed by the Judicial Officer.
- e. The cause list of the cases is available on the JustIS App as well as on the eCourts Services App. The Judicial Officers shall make use of these Apps for access to the daily cause lists of their respective Courts during virtual hearing of the cases.
- f. The Court work through virtual mode shall start as per the scheduled court timing and cases shall be called by the staff present in the Court serial wise as per the cause list.

- g. Once the list is exhausted, the link may be closed but shall be opened again during office time if a request in this behalf is received from the lawyer/s.
- h. The proceedings conducted shall also be updated in the CIS so that real time information of case status is available to the lawyers/litigants regarding their cases.
- i. The orders passed shall be uploaded on the concerned portal without any fail.

These directions shall remain in force till the virtual filling/hearing of cases is permitted in District and Subordinate Courts in UTs of Jammu & Kashmir and Ladakh vide High Court order No. 259 of 2021/RG dated 26.04.2021 and High Court order No. 299 of 2021/RG dated 10.05.2021.

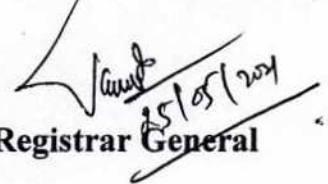
Sd/-
(Pankaj Mithal)
Chief Justice

Dated: 25.05.2021

No: 17092-17955
/RG

Copy to the:

1. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K, Srinagar;
2. Secretary to Hon'ble Mr/Mrs. Justice _____
.....for information of His/Her Lordship.
3. Registrar Vigilance, High Court of J&K, Srinagar;
4. Director, Jammu & Kashmir Judicial Academy, Srinagar.
5. Registrar Computer, High Court of J&K, Srinagar;
6. Registrar Rules, High Court of J&K, Srinagar;
..... for information.
7. Registrar Judicial, High Court of J&K, Srinagar/Jammu;
.....for information & necessary action.
8. All Principal District & Sessions Judges of UTs of Jammu & Kashmir and Ladakh with the request to circulate the same among the Judicial Officers within their jurisdiction.
9. Presidents of all Bar Associations in UTs of J&K and Ladakh.
..... for information and compliance
10. I/C NIC for uploading the same on the official website of the High Court.
11. Incharge Library, High Court Wing Jammu /Srinagar for information and keeping the record of the same.


25/05/2021
Registrar General