

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU
(Chief Justice's Secretariat)

ORDER

No. 1113/PsyS

Dated 06-12-2018

During training of doctors from various government hospitals of the State, with regard to the conduct of the medical examination and recording of MLCs, conducted under the aegis of "Committee to implement guidelines laid down by judicial precedents and law in cases involving sexual violence and monitoring the trial of such cases and Committee to govern the affairs of the State Judicial Academy", it was revealed that, at times, doctors when summoned as witnesses, face difficulty in view of exigencies i.e. due to some medical emergency regarding attending to the patients, they are unable to attend the court hearings. As a result of their absence, adverse orders are passed against them. It has also transpired that sometimes expert witnesses/doctors on reaching the court come to know that the concerned Judicial Officer is not available. This not only causes grave inconvenience to the concerned expert witness/doctor but, also results in wastage of valuable professional time which is detrimental to the patients visiting them.

The same may be the experience of other experts summoned to testify before Courts.

With a view to obviate difficulties of such witnesses, Hon'ble the Chief Justice has been pleased to direct as under:

1. That all Pr. District Judges of the State shall designate Section Officer (Admn.) of their respective Courts as a Nodal Officer to attend the queries of these expert witnesses/doctors. These queries could include a query regarding availability of Judicial Officers on the date for which the witness has been summoned.
2. That the judicial branch of each Court in the District shall early each morning inform/update the designate Nodal Officer of the concerned District regarding the leave position and availability of Judicial Officers.
3. That the mobile number and e-mail ID of the designate Nodal Officer of the District Court shall be mentioned on all summons to expert witnesses.
4. That these particulars shall also be conveyed to the hospital/FSL and HODs of other concerned departments.



5. That the Principal District Judges shall prescribe a mechanism for maintaining records/registers of receipts of calls from the expert witnesses and onward communication of the same to the concerned Court.
6. That all the Pr. District Judges shall submit compliance report of these directions to the Chief Justice's Secretariat within two weeks.

By Order.


(Jawad Ahmed)
Principal Secretary to
Hon'ble the Chief Justice

No. 497-527/Ps48

Dated 06/12/2018

Copy to the:

- 1) Chief Secretary, Government of J&K, Civil Secretariat, Jammu.
- 2) Registrar General, High Court of J&K, Jammu.
- 3) Registrar Vigilance, High Court of J&K, Jammu.

...for information.

4-25) Pr. District & Sessions Judge Srinagar/ Anantnag/ Budgam/ Baramulla/ Puiwama/ Kupwara/ Leh/ Kargil/ Bandipora/ Kulgam/ Shopian/ Ganderbal/ Jammu/ Udhampur/ Kathua/ Poonch/ Rajouri/ Bhaderwah/ Samba/ Reasi/ Ramban/ Kishtwar, for compliance.

26-27) Registrar Judicial High Court of J&K Jammu/ Srinagar.

28) Office file.


Principal Secretary to
Hon'ble the Chief Justice