

**HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU**

WP(C) PIL no. 4/2020
EMG-CM No.06/2020
(Through Video Conferencing
from Srinagar Wing)

Azra Ismail

.....Petitioner(s)

Through:- Salih Pirzada, Advocate
(On Video Conference from High Court at
Srinagar)

Mr. Faisal Qadri, Advocate
(on Video Conference from High Court at
Srinagar.

Mr. Naveed Bukhtiyar, Advocate
(on Video Conferencing from his residence
at Garkote, Uri)

Mr. Ateeb Kanth, Advocate
(on Video Conference from High Court at
Srinagar

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. T. M. Shamshi, ASGI
(On Video Conferencing from High Court at
Srinagar)

Mr. Moomin Khan, Advocate
(On Video Conferencing from High Court at
Srinagar)

WP(C) PIL no. 5/2020
EMG-CM no. 71/2020
(Through Video Conferencing
in Jammu)

Court on its Own Motion

Ms. Monika Kohli, Amicus (on Video
Conference from her office at Jammu)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. Aseem Sawhney, AAG (on Video Conference from his residence at Jammu) for Govt. of UT of Jammu & Kashmir

Mr. Vishal Sharma, ASGI (on Video Conference from his residence at Jammu) for Union of India.

Mr. Ravinder Gupta, Advocate
(On Video Conferencing from Office of BNSL)
for BSNL.

Mr. Sanjeev Tyagi, Nodal Officer,
BSNL
(On Video Conferencing from Office of BNSL)

Mr. Shahzad Azim, Registrar IT
(on Video Conferencing from Jammu Wing of High Court)

Mr. M. K. Sharma, Member Secretary,
JKSLSA
(On Video Conferencing from High Court at Jammu)

HON'BLE THE CHIEF JUSTICE

(on Video Conference from High Court at Jammu)

Coram:**HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE**

(on Video Conference from High Court at Jammu)

ORDER**10.06.2020**

VII. Addressing issues of Safety, Care, Health and Violence against Healthcare Professionals and Clinical Establishments-Need for a legislative framework

01. It is submitted by Mr. Vishal Sharma, ASGI that despite intimation, he has not received any response from the concerned Ministry.

02. We give him one last opportunity to file his response in terms of our previous orders failing which we will be compelled to take strict view in the matter.

03. A joint report dated 10th June 2020 has been filed by Mr. T. M. Shamshi, ASGI, Srinagar on Issue Nos. III & VII, on behalf of Government of Union Territory of Ladakh.

04. We find that all that is mentioned regarding the issue under consideration is that there has been no instance of violence against healthcare professionals or property.

05. In our present consideration, we have not asked for this report but were concerned with the need for legislation on the subject.

Let Mr. T. M. Shamshi, ASGI file a report on the issue which is under consideration.

List on 25th June 2020.

XVII. e-Connectivity of Courts

06. A report dated 9th June 2020 has been filed by Mr. Shahzad Azim, Registrar (IT) and a report dated 8th June 2020 has been filed by Mr. Sanjeev Tyagi, Nodal Officer, BSNL.

07. A report dated 8th June 2020 under the signatures of Shri P. P. Pandey, Joint Secretary of the Department of Justice, Ministry of Law and Justice, Government of India has also been filed. However, copy of this report has not been made available to the other parties in this matter.

Let the same be furnished to all the stakeholders forthwith.

08. We direct Mr. Shahzad Azim, Registrar (IT) to examine specifically the submissions made in paras 7 & 8 of the report.

09. A meeting shall jointly be convened with the BSNL, NIC and Mr. Shahzad Azim, Registrar (IT) and the issue looked into on priority basis.

10. Mr. Vishal Sharma, ASGI who appears for NIC as well shall provide the Court Complex wise basic data details which have been considered by the Committee as set out in para 7 of this report to Mr. Shahzad Azim, Registrar (IT). This shall be done within two days from today.

11. On the next date of hearing, Mr. P. P. Pandey, Joint Secretary of the Department of Justice, Ministry of Law and Justice shall join the hearing on video conferencing.

12. Mr. Shahzad Azim, Registrar (IT) shall submit a report with regard to the subject matter of this consideration on the next date of hearing.

13. We are informed that in compliance of the directions made in paras 26 & 27 of our order dated 3rd June 2020, the facility at JMIC, Chenani has been made fully operational after replacing hardware. It has been stated by Mr. Sanjeev Tyagi, Nodal Officer, BSNL that the *'UPS supply has still not been extended by the local court authorities'*.

14. This position is disputed by Mr. Shahzad Azim, Registrar (IT) who in para 6 of his report stated that power supply to the router has been made available through the UPS by the court authorities.

15. This position is confirmed by Mr. Ravinder Gupta, Advocate for the BSNL.

16. A grievance is made by Mr. Sanjeev Tyagi, Nodal Officer, BSNL in para 5(a) of his report that there are other courts who are not making available the UPS supply which is critical for the hardware installed by the BSNL.

17. Mr. Sanjeev Tyagi, shall inform Mr. Shahzad Azim, Registrar (IT) of such court locations.

18. Mr. Shahzad Azim, Registrar (IT) shall ensure that the needful is immediately addressed so that there is no damage to the hardware which has been installed by the BSNL to the court locations in the Union Territories of Jammu and Kashmir as well as Ladakh.

19. We are further informed by Mr. Sanjeev Tyagi, Nodal Officer, BNSL that since the last date of hearing, three (03) more sites have been jointly tested and made operational taking the number of DoJ functional sites to 44. List of such sites which have been made operational and those which are pending under joint testing have been enclosed as Annexures-R3 & R4.

20. Mr. Shahzad Azim, Registrar (IT) submits that he has confirmed information that 40 sites have been made operational. He needs to verify the status of four (04) of the sites.

Let the same be looked into and confirmed by the next date of hearing.

21. It is submitted by Mr. Ravinder Gupta, Advocate that information with regard to LAN IP conflict sites has been confirmed by the Department of Justice, Ministry of Law and Justice, Government of India. It is further stated that the fresh LAN IP pool has been confirmed by the Department of Justice in respect of the conflict sites which is under publishing. The routing of these sites shall be possible only after the publication which is expected to be completed in the next 2/3 days.

Let the same be expeditiously effected and an action taken report be filed before the next date of hearing.

22. We find that Mr. Sanjeev Tyagi, Nodal Officer, BSNL in para 5(d) of his report has referred to the issue of estimates for the 10 VSAT sites of Union Territory of Jammu and Kashmir and Leh which has been submitted by the office of the Principal General Manager, Satellite, BSNL, Bangalore to the Secretary of Department of Justice.

23. We are informed by Mr. Vishal Sharma, ASGI that these estimates are to be scrutinised by the Technical Committee whose constitution has been detailed in para 3 of the report dated 8th June 2020 filed by Mr. P. P. Pandey, Joint Secretary. Mr. Vishal Sharma, ASGI confirms meeting of this Committee is scheduled on 12th June 2020.

24. It is expected that all difficulties would be resolved and the matter proceed further. We shall be informed of the outcome of the deliberations by the Expert Committee before the next date of hearing.

25. Mr. Shahzad Azim, Registrar (IT) has drawn our attention to Schedule A (page 12) of his report dated 9th June 2020 wherein he has listed certain inaccessible areas of Jammu and Kashmir which are without any kind of connectivity. The BSNL shall examine the status of these locations and place on record the manner in which connectivity can be provided to the residents of these areas. Connectivity could be by way of internet facility or telephone facility. In case there is any other mode which can be utilised for ensuring and improving the accessibilities of these areas, the BSNL shall detail it in its report.

A report on this aspect shall be positively filed before the next date of hearing.

EMG-CM No.6/2020 in WP(C)PIL No.6/2020 (filed by Mr. Naveed Bukhtiyar from his residence Garkote, Uri)

26. A report dated 9th June 2020 has been filed by Mr. M. K. Sharma, Member Secretary, JKSLSA. The report is taken on record.

27. We are informed therein that Secretaries, DLSAs Bandipora, Baramulla and Kupwara have co-ordinated with the applicant Mr. Naveed Bukhtiyar as well as the concerned functionaries to provide assistance to the needy people in these districts. List of victims provided by the applicant-Mr. Naveed Bukhtiyar has been forwarded to the concerned Govt. officers who are verifying the facts for providing the necessary assistance.

28. Mr. M. K. Sharma, Member Secretary, JKSLSA submits that only last night he has received information that necessary disbursements have been effected to 10 needy families in Kupwara District.

29. It is open for Mr. Naveed Bukhtiyar to approach the concerned Secretary, DLSAs for giving information regarding needy persons and assistance which is needed.

30. The Secretary, DLSAs shall render all assistance.

EMG-CM No.71/2020 in WP(c)PIL No.5/2020 (regarding death of horses in Reasi District)

31. It is submitted by Mr. Aseem Sawhney, AAG that he has just taken over from Mr. Amit Gupta, AAG in this matter and he may be given a very short adjournment to file response.

Let action taken report be filed before us before the next date. In the meantime, the Deputy Commissioner, Reasi shall ensure that steps are immediately taken for feeding of hungry horses and animals in the District.

32. Time is also sought by Mr. Aseem Sawhney, AAG to give his report on the issue of ensuring scheduled timings for veterinary clinics.

33. Union Territory of Ladakh in its report dated 10th June 2020 submitted as follows:

“The Director Animal/Sheep Husbandry & Fisheries Department has submitted a compliance report vide Letter No:- DASH&F/UTL/tech/2020/344 Dated 06-06-2020.

The scheduling of Veterinary facilities in the UT administration of Ladakh is as under :-

<i>S. No</i>	<i>Veterinary facilities</i>	<i>No's</i>	<i>Schedule</i>	<i>Remarks</i>
<i>1.</i>	<i>No. of District Veterinary Hospitals</i>	<i>2</i>	<i>10am-4.30pm</i>	<i>DVH, Leh provides 24 hours service</i>
<i>2.</i>	<i>Animal Birth Control Clinic, Leh</i>	<i>1</i>	<i>10am-4.30pm</i>	
<i>3.</i>	<i>No. of Veterinary Health Centres</i>	<i>255</i>	<i>10am-4.30pm</i>	
<i>4.</i>	<i>Govt. Farms</i>	<i>19</i>	<i>24 hours</i>	
<i>5.</i>	<i>Stray Animal Care and Management Centre, Nang, Leh (Run By NGO: Live To Rescue)</i>	<i>1</i>	<i>24 hours</i>	<i>Rescue and rehabilitation of Stray Injured Animals</i>

”

34. It would appear that the needful has been done by the Union Territory of Ladakh.

35. Let the report on behalf of Union Territory of Jammu and Kashmir be filed by Mr. Aseem Sawhney, AAG before the next date of hearing.

36. List Issue No. VII for consideration on 25th June 2020.
37. List Issue No. XVII along with EMG-CM No.6/2020 in WP(C) PIL No.4/2020 & EMG-CM No.71/2020 in WP(C) PIL No.5/2020 on 16th June 2020.

(RAJNESH OSWAL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
10.06.2020
Raj kumar

