

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

**WP(C) PIL no. 4/2020
EMG-CM No.04/2020 &
EMG-CM No.06/2020**
(Through Video Conferencing
in Srinagar)

Azra Ismail

.....Petitioner(s)

Through:- 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)

v/s

Union Territory of Jammu and Kashmir

.... Respondent(s)

Through:- Mr. B. A. Dar, Sr. AAG
(on Video Conferencing from High Court at
Srinagar).

Mr. T. M. Shamshi, ASGI
(on Video Conferencing from High Court at
Srinagar).

**WP(C) PIL no. 5/2020
EMG-CM nos. 6, , 22, 32,39
& 40/2020**
(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. Amit Gupta, 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. Abhay Kumar, SIO NIC, J&K

Mr. Mohammad Shahkar Bari, Nodal Officer, BSNL (On Video Conferencing from Office of BNSL)

Mr. Shahzad Azeem, 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)

Mr. P. P. Pandey, Joint Secretary, DoJ, Ministry of Law & Justice, GoI
Email id: pravash.panday2@gov.in
M:9868373225, 8178326510
(on Video Conferencing from his office at Delhi)

HON'BLE THE CHIEF JUSTICE

(on Video Conference from residence at Jammu)

Coram:

HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

(on Video Conference from High Court at Jammu)

ORDER

16.06.2020

III. Ensuring provision of care to dependants/families of healthcare personnel/government personnel/officials engaged in COVID-19 management

01. We are assured by Mr. T. M. Shamshi, ASGI, on behalf of UT of Ladakh and by Mr. Aseem Sawhney, AAG on behalf of UT of Jammu and

Kashmir that every step as was directed by this Court to ensure the welfare and wellbeing of the dependents of the COVID warriors is being undertaken.

02. We are confident that the authorities are doing the utmost to facilitate the families of COVID warriors. However, we would like the JKSLSA to also interact with the dependents of the COVID warriors and ensure their welfare and wellbeing.

Let a report be filed in this regard before the next date of hearing.

List this issue on 7th July 2020.

VIII. Issue of impact of pollen from poplar trees

03. We are informed by Mr. Aseem Sawhney, AAG that he has received oral instructions that the needful has been done by the General Administration Department.

04. It is truly unfortunate that we have not been informed about what is the 'needful' which is done.

05. In case the action taken report is not filed before us before the next date of hearing, we shall be constrained to take a strict view of the matter and pass punitive orders against the authorities concerned.

06. List this issue for consideration on 23rd June 2020.

XVII. e-Connectivity of Courts

07. A status report dated 15th June 2020 has been filed by Mr. Shahzad Azeem, Registrar (IT) placing before us the copy of the minutes of the meeting held on 12th June 2020 pursuant to our last order.

08. A status report/action taken report dated 16th June 2020 has also been filed by BSNL. The same is also taken on record.

09. The Ministry of Law and Justice (Department of Justice), Government of India has also filed a copy of the minutes dated 12th September 2020.

10. We are informed by Mr. Shahzad Azeem, Registrar (IT) that in the meeting held on 12th September, 2020, the matter of providing e-connectivity at court sites was examined with the participation of Mr. Sudhir Sharma, Scientist 'E', who represented Divisional Commissioner Office, Jammu; Mr. Rakesh Jamwal, Scientist 'E' NIC representing High Court of J&K, Jammu and Mr. Samir Raina, Assistant Director (Enterprise Business), O/o, CGMT, BSNL.

11. We find that in his report dated 8th June 2020 Mr. P. P. Pandey, Joint Secretary, DoJ, had mentioned that e-connectivity in the court sites in Doda and Mahore were not feasible. However, in the minutes of the meeting held on 12th June 2020, Mr. Samir Raina, BSNL has informed that the court site in Doda stands connected via MPLS while the Mahore court shall also be connected through MPLS and the delivery of hardware for this purpose is at an advanced stage.

12. So far as the third site being the Munsiff Court, Gool, Ramban is concerned, we are informed by BSNL in its report that it can provide two MBPS MPLS connectivity if the contract for the said site is allotted for commissioning by the Department of Justice to the BSNL.

However even after the above, problem remains with regard to 9 court sites even now.

13. In the meeting held on 12th June 2020, Mr. Samir Raina, has informed that at these 9 remaining sites, one MBPS bandwidth would be

sufficient to cater to the requirements of these courts. It is further informed that e-connectivity at these sites is viable only if VSAT connectivity is provided. It was informed that details of the expenditure required for the purpose stands communicated to the Department of Justice under cover of a letter dated 12th June 2020.

14. It appears that the communication addressed by BSNL may not have so far reached the Department of Justice.

15. Let Mr. Ravinder Gupta, Advocate forthwith e-mail copy of all relevant communications including the letter dated 12th June 2020 to Mr. P. P. Pandey, Joint Secretary, Department of Justice at the earliest.

16. On behalf of Department of Justice, Mr. P. P. Pandey, Joint Secretary has joined this hearing in terms of our last order. Mr. Pandey assures this court that the matter of providing VSAT connectivity as well as sanction of the requisite expenditure at the 9 court sites would be got examined at the earliest.

17. We are further informed by Mr. Pandey that the Technical Committee for the WAN project of the Department of the Justice has already met and is actively concerned with the issue.

18. Mr. Pandey submits that as an alternative to the VSAT connectivity, the Technical Committee is also exploring the possibility of SD WAN technology.

19. Mr. Pandey also assures this court that he will look into the request of BSNL for commissioning of the site at the Munsiff Gool, Ramban.

20. In addition to the above 10 sites, a list of 35 sites in 11 districts of the Union Territories of Jammu & Kashmir and Ladakh was provided to the

BSNL to examine the feasibility of provision of e-connectivity. It appears that BSNL has examined the feasibility of e-connectivity to these sites as well. A status report regarding its examination has been placed as R-7 to the report dated 16th June 2020. In this status report, the BSNL has reported that landline and broad-band facilities are feasible at eight (8) of these sites. With regard to the remaining 27 sites, BSNL has again suggested that connectivity would be possible only using the VSAT /GSM mode.

21. We have requested Mr. Pandey, Joint Secretary, Department of Justice to look into the possibility of e-connectivity at these locations as well. Mr. Pandey submits that he would need inputs from local NIC authorities before the Department of Justice could effectively examine this matter.

22. We direct Mr. Shahzad Azeem, Registrar (IT) to convene a meeting with the representatives of the BSNL as well as NIC on the report regarding the 35 sites in the 11 districts which has been submitted by the BSNL. Inputs from NIC shall form part of the minutes which are recorded by Mr. Shahzad Azeem, Registrar (IT). The same shall be forwarded by Mr. Shahzad Azeem, Registrar (IT) to Mr. P. P. Pandey, Joint Secretary, Department of Justice.

23. Reports from the Department of Justice, Ministry of Law & Justice, GoI, BSNL and Registrar (IT) shall be filed before the next date.

24. List this issue for consideration on 2nd July 2020.

25. The representatives from the Department of Justice, NIC as well as BSNL shall remain present on the next date as well.

EMG-CM No.22/2020 in WP(C)PIL No.5/2020(at Page-60, regarding wastage of food grains in District Doda)

26. An action taken report has been filed by Mr. Amit Gupta, AAG informing this Court that the decision has been taken to recover the loss caused by the officials, Sh. Akhtar Hussain (then Storekeeper now retired) and Sh. Jagwant Singh (then TSO Dalli) in installments of Rs.20,000/- per month and an amount of Rs.64678/- shall be recovered from them.

Let the same be so done.

27. In view of the above, this matter is closed.

EMG-CM No.32/2020 in WP(C)PIL No.5/2020 (cruelty towards animals)

28. A status report dated 8th June 2020 has been filed by the **Animal Husbandry Department, Jammu** informing this Court, inter alia, as follows:

“1. That the Societies for Prevention of Cruelty to Animals (SPCA) have been established in each district with Deputy commissioner as chairperson and Chief Animal Husbandry Officer as Member Secretary. During lockdown period SPCA is inactive in providing the health care facility to the stray animals.

2. That the Department of Animal Husbandry Jammu being one of the constituent of SPCA is working for the welfare of the stray animals and cattle by providing treatment to sick and injured stray animals.

3. That the block wise Rapid Response Teams (RRT) headed by Veterinary Assistant Surgeons under command and control of Chief Animal Husbandry Officers have already been constituted to meet out any emergency situation for treatment of sick/injured stray animals. The documents evidencing the same facts are appended as Annx. 1.

4. That the Animal Husbandry Department Jammu has deputed 3 doctors to Municipal Animal Care Centre (MACC) Jammu. They, besides providing health care facility including

Anti Rabic Vaccination also carry out the sterilization /Animal Birth Control Programme (ABC) of stray dogs.

5. *That during the period of lockdown due to covid-19, some sick and injured stray dogs lifted by JMC Jammu and general public were given treatment at various veterinary Hospitals/ Centers.*

6. *That the Hon'ble division bench on 3.6.2020 has desired about **scheduling availability** of the **veterinary facilities (including those in private field)**. In this connection it is submitted that veterinary facilities were already being provided by animal Husbandry Department Jammu. The Veterinary Hospitals/ Centers with bare minimum staff were already functional /operational. A Status Report, indicating the opening of Veterinary Hospitals/ Centers depicting the availability of sufficient medicines and attendance of distress calls from general public, submitted to Administrative for perusal of the Hon'ble court is marked as Annx 2. Thereafter, daily Status Report of animals treated, is submitted to Administrative Department on regular basis.*

*As far as **private veterinary services** are concerned, in terms of Government Order No. 45 JK(DMRRR) of 2020 dated 18/4/2020, the **passes needed for the staff** for the whole lockdown period, were required to be issued by Deputy Commissioner only when the application for the issuances of passes for the staff was routed by Director Animal Husbandry. Accordingly Director Animal Husbandry Jammu facilitated opening of private Veterinary clinics/services.*

7. *That the **Animal Husbandry Department Jammu** vide letter no. Dahj/tech-168-14821-42 dated **30/3/2020** has directed that **all the Veterinary Hospitals /Centers shall function** with bare minimum staff after taking all precautionary measures including personal hygiene, social distancing etc. All the Chief Animal Husbandry Officers were directed to put formal request before the concerned DMs for issuance of duty passes. The above quoted letter is marked as Annx. 3.*

8. *That the **Animal Welfare Board of India** has communicated that during the lock down period, the street animals and birds are worst sufferers for want of food and water, besides reports of people abandoning their pests*

because of the fear of corona infections in them. As such the stray animals need to be provided proper care, food and water to mitigate their suffering especially during lockdown period.

*9. That the **general public was also appealed through print media not to abandon their pets because cruelty to animals is an offence under section 3, section 11(1) of prevention of cruelty to animals act 1960 and also that WHO has clarified that dogs and cats are not involved in spreading infections of corona virus. (Annex.4).***

*10. That as on today **all Veterinary Hospitals/ Centers are fully functional and operational** the detail of which is given below in tabular form. Besides mobile veterinary teams have also been constituted to cater to veterinary health care facilities in remote and in accessible areas.*

S.No	Veterinary Facilities	No.	Schedule	Remarks
1.	Cental Vety. Hospital	1		Provides 24 hr services
2.	Sub-Divisional Vety. Hospital	1	10am to 4:30pm	After duty hr. Doctors on call
3.	Distt. Vety. Hospital	5	10am to 4:30pm	After duty hr. Doctors on call
4.	Vety. Dispensary/Subcentres	663	10am to 4:30pm	After duty hr. Doctors on call
5.	Municipal Animal Care Centre, Jammu. For sterilization and treatment of stray dogs.	1	Provides 24 hr service	
6.	Govt. Cattle Farms	4	Provides 24 hr service	

11. That the Animal Husbandry Department Jammu is sensitive and cognizant of its responsibility and is taking measures to ensure welfare of stray animals and to prevent cruelty to animals.”

(Emphasis by us)

29. From the reports before us, it appears that the Societies for Prevention of Cruelty to Animals (SPCA) have been set up in Jammu and are functional in Union Territory of Ladakh as well as in the Jammu province in the Union Territory of Jammu and Kashmir.

30. Let a report be submitted by the Government of Union Territory of Jammu & Kashmir regarding the status of the SPCA in the Kashmir province as well before the next date of hearing.

31. List on 7th July 2020.

EMG-CM No.41 /2020 in WP(C)PIL No.5/2020 (regarding condition of quarantine centers)

32. A status report dated 15th June 2020 has been filed by Mr. Sanjeev Verma, Divisional Commissioner, Jammu giving the details of the steps being taken to ensure that the quarantine centers are properly maintained. The Divisional Commissioner, Jammu has enumerated the steps taken to ensure proper meals and essentials to the persons who are lodged in the quarantine centers.

33. The authorities of the Union Territory shall ensure that the quarantine centers are hygienically maintained and necessary facilities are provided to the persons who are lodged therein.

34. This application is closed.

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

35. It is submitted by Mr. Naveed Bukhtiyar that the Secretaries, DLSAs as well as para legal volunteers have responded very positively to the orders passed by this court.

36. We place on record our appreciation on the work being done by Mr. Faizan-ul-Haq Iqbal, Secretary, DLSA, Baramulla, Mr. Noor Mohammad Mir, Secretary, DLSA, Kupwara and Mr. Mohammad Iqbal Akhoon, Secretary, DLSA, Bandipora.

37. These officers shall Continue to ensure that no needy person is left to fend of for himself or herself in the district under their jurisdiction.

38. This application is accordingly closed.

39. In case, there is any difficulty in future, it is always open to the applicant to file a fresh application.

EMG-CM No.71/2020 in WP(C)PIL No.5/2020

40. A report dated 15-06-2020 has been filed under the signatures of Ms. Indu Kanwal Chib, Deputy Commissioner, Reasi.

In this status report, it is submitted as follows:

“Kindly refer to the subject cited above. In this regard, it is submitted that due to nationwide lockdown COVID-19 and stoppage of Shri Mata Vaishno Devi Shrine, Katra, the pony/mule/horse owners who were dependant on pilgrimage for subsistence are affected. As reported, most of these pony owners left Katra station as soon as the pandemic gained roots and went towards their respective homes in District Reasi and adjacent ones, while the ones who were comfortable in Katra stayed on.

During the lockdown, the Society for Prevention of Cruelty to Animals (SPCA) Reasi (Unit Katra), Municipal Committee Katra and Veterinary Department Katra along with local NGOs have treated and taken care of sick animals not

only of these owners but also of stray animals found in the suburbs of Katra. Besides, the Shri Mata Vaishno Devi Shrine Board, Katra has also helped and arranged medicines and fodders to these animals. The detail of animals treated and provided with fodders is given below:

<i>S. No.</i>	<i>Department</i>	<i>No. of families/ animals</i>	<i>Facility provided</i>	<i>Remarks</i>
1.	<i>Shri Mata Vaishno Devi Shrine Board (SMVDSB), Katra</i>	<i>250 pony owner families</i>	<i>Food and fodder</i>	
2.	<i>Society for Prevention of Cruelty to Animals, Reasi (Unit Katra) jointly with Municipal Committee Katra</i>	<i>Stray animals</i>	<i>60 trolleys (6000 qts) of fodder</i>	
3.	<i>Veterinary Department Katra</i>	<i>Cattle/Bufaloes =305 No. of equine = 16 Other animals/ Poultry =644</i>	<i>Treatment and medicines</i>	

It is also submitted that no stray animal is reported dying out of hunger at Katra during the lockdown COVID-19. The Society for Prevention of Cruelty to Animals, Reasi has sufficient funds to arrange, if need arises, fodders for stray animals (horses/mules/ponies), but no such need has been felt so far by the Society.

Hence, report is submitted for kind perusal and further necessary action.”

(Emphasis supplied)

41. In view thereof, it would appear that the Deputy Commissioner, Reasi is fully taking care of all animals including the equines. Stray animals are also being cared for.

This issue therefore need not detain this court any further.

42. The Deputy Commissioner, Reasi shall continue to ensure that needful is continued to be done and that no animal in the Reasi District suffers in any manner at all.

This application is closed.

Copy of this order be sent to the applicant for information.

EMG-CM No.74/2020 in WP(C)PIL No.5/2020 (regarding decent burial of COVID-19 deceased)

43. Notice.

44. Mr. Aseem Sawhney, AAG accepts notice on behalf of UT of Jammu and Kashmir and Mr. T. M. Shamshi, ASGI, on behalf of UT of Ladakh, who sought time to file the status report.

45. Let the same be filed before the next date of hearing.

46. List on 7th July 2020.

47. List Issue No.III for consideration on 7th July 2020 along with EMG-CM Nos.32 & 74/2020.

48. List Issue VIII for consideration on 23rd June 2020.

49. List Issue No. XVII for consideration on 2nd July 2020.

(VINOD CHATTERJI KOUL)
JUDGE

(GITA MITTAL)
CHIEF JUSTICE

Jammu
16.06.2020
Raj kumar