

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

**EMG WP(C) PIL No.2/2020**  
(Through Video Conferencing)

**Court on its own Motion**

.....Petitioners

Through :- Ms. Monika Kohli, Amicus Curiae  
(On Video Conferencing from her residence  
at Jammu)

**V/s**

**Union Territories of Jammu & Kashmir  
And Ladakh**

.....Respondent(s)

Through :- Mr. Amit Gupta, AAG  
(On Voice Call from his residence at  
Jammu) for UT of J&K

Mr. T. M. Shamshi, ASGI.  
(On Voice Call from his residence at  
Srinagar) for UT of Ladakh

Mr. M. K. Sharma, Member Secretary,  
JKSLSA (On video Conference from his  
office 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**  
**20.05.2020**

1. Further time is sought by Mr. T. M. Shamshi, learned Assistant Solicitor General of India, Srinagar, to submit the report regarding the mechanism in Ladakh to meet the needs of victims of domestic violence, elderly abuse, child violence and violence against transgenders.

Let such report be filed before the next date of hearing.

2. The Member Secretary of the Jammu and Kashmir State Legal Services Authority has also not filed report in terms of para-9 of our order dated 13<sup>th</sup> May 2020.

Let such report on the issue under consideration be placed before us before the next date of hearing.

3. Ms. Monika Kohli, learned Amicus Curiae has drawn our attention to the serious issue regarding compliance of orders of children visitation rights passed in courts during the lockdown period. She has placed the order passed by the Supreme Court of India on **30<sup>th</sup> April 2020** in ***Writ Petition (Civil) Diary No. 11058/2020*** titled ***Tanuj Dhawan v. Court on its own Motion***, in this regard which reads:

*“The Court is convened through Video Conferencing.  
Application seeking permission to appear and argue-in-person is allowed.*

*Heard the petitioner-in-person.*

*The grievance of the petitioner is that because of lockdown, the children are unable to interact with their parents even though they have visitation rights for the purpose.*

*If they have visitation rights, we suggest that electronic contacts instead of physical visits can be substituted in these times. The parties can arrive at a mutually acceptable arrangements in this behalf. If there is an aggrieved party, the same can approach the Family Court.*

*With the aforesaid observation, the Writ Petition is disposed of.”*

4. The Member Secretary of the Jammu and Kashmir State Legal Services Authority, shall place a report as to whether the arrangements directed in *Tanuj Dhawan vs. Court on its own motion* by the Supreme Court of India

are being applied by the Courts in Jammu and Kashmir and litigants regarding ensuring visitation of the children with their parents. This exercise may require ascertaining the details of the cases where orders for visitation have been passed.

5. All Trial Courts shall ensure that they evolve appropriate mechanisms to ensure that the orders of payment of maintenance are complied with despite lockdown. It shall be open for the Trial Courts to use any mode of communication including Mobile Phones; emails; landline phones and e-modes of payment to ensure that the dependents in whose favour maintenance orders have been passed, actually receive the maintenance.

6. Similarly compliance of directions with regard to the child visitation shall be ensured in the manner as observed by the Supreme Court as above.

7. The Member Secretary, Jammu and Kashmir State Legal Services Authority shall place the report before the court before the next date of hearing.

Secretaries, District Legal Services Authorities and paralegal volunteers may be utilized to facilitate the above compliances.

List the matter on 2<sup>nd</sup> June 2020.

**(RAJNESH OSWAL)**  
**JUDGE**

**(GITA MITTAL)**  
**CHIEF JUSTICE**

Jammu  
20.05.2020  
Sunita