

HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(OFFICE OF THE REGISTRAR GENERAL AT SRINAGAR)

Subject: Adopting special measures by the Courts in the UTs of J&K and Ladakh for prioritizing the cases of the defence personnel and their dependents.

NOTIFICATION

No: 2376/RG

Dated: 21/07/2025

Hon'ble the Chief Justice has been pleased to lay down the following guidelines for trial and disposal of cases of Defence Personnel by the Officers of the District Judiciary of the UTs of Jammu & Kashmir and Ladakh:

1. **Title.** - These guidelines shall be referred to as the Guidelines for trial and disposal of cases of Defence Personnel by the Officers of the District Judiciary, 2025.
2. **Enforcement.** - These guidelines shall come into effect from the date of notification.
3. **Scope and extent.** - These guidelines shall apply to all the cases to be filed or already pending in all the courts in the Union Territories of Jammu & Kashmir and Ladakh, which relate to-
 - i) the defence personnel, whether serving or retired, of the regular armed forces like Army, Air-Force and Navy or the Central Armed Para-Military Forces like Assam Rifles, Border Security Force, Central Reserve Police Force, Sashastra Seema Bal, Central Industrial Security Force or other specialized armed forces deployed for safety and security of the country;
 - ii) dependents of defence personnel where such defence personnel have become incapacitated, mentally or physically, or after their death.
4. **Identification of the cases and marking.** - (1) All the courts in the first instance shall make all possible endeavour to identify the cases of defence personnel pending adjudication and shall be specially marked by way of colour code, tagging or any other

convenient mode, for assigning special priority to all such cases, and such priority assignment shall be in addition to the priority areas already defined.

- (2) All the cases filed henceforth shall also be specially marked for the aforesaid purpose, from the date of filing itself.
- (3) For the above purposes, relevant data shall be obtained by the courts by all feasible means, including data capturing through CIS functionality.

5. **Expeditious trial.** - All the cases identified as above shall be assigned special priority and shall be adjudicated or disposed of on utmost priority, so that these can be disposed of as expeditiously as practically possible, and while doing so the courts shall be guided by the special rules of procedure and the legislations relating to military and other armed forces, like The Indian Soldiers (Litigation) Act, 1925, The Army Act, 1950, The Air-Force Act, 1950, The Navy Act, 1950 or corresponding laws applicable to other armed forces or CAPFs and the rules or regulations framed thereunder.

6. **Attendance of defence personnel.** - Whenever attendance of the defence personnel is expedient or unavoidably required for adjudication of their cases or of their family members, the courts shall be guided by the special rules of procedure or statutory requirements of the legislations of military or other defence forces, and the timelines specified for their availability during the proceedings of their cases shall be strictly observed. It shall be ensured that such defence personnel are given appropriate precedence so that they are not made to wait unnecessarily.

7. **Detention or restraint,** - (1) Whenever it is required by law to put any defence personnel to detention or restraint whether personal or in respect of property, or any such personnel has been detained by law enforcement agencies and is produced before the courts or his person or property has been put to restraint, the courts shall be guided by special rules of procedure to handle such restraints or detentions and shall ensure that any such restraint or detention is sanctioned by law.

(2) In case of any such detention in case of the serving defence personnel, an information shall be forwarded to the officer superior in command of such defence personnel and in case of retired defence personnel, an information may be forwarded to Zila Sainik Board or any equivalent institution.

8. **Special privileges.** - Courts shall always keep into consideration, while proceeding in the cases involving defence personnel, special privileges or immunity available under any law relating to the said defence personnel, and shall pass orders consistent with such laws.

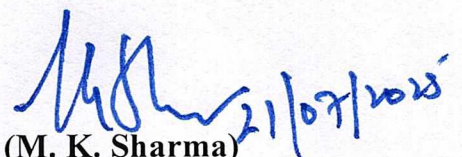
9. **Stay of proceedings.** - Wherever it is required consistent with the provisions to which the defence personnel are subject, the courts shall stay the proceedings for such time as may be desirable under such laws, and may in this regard take all measures that are required by such laws.

10. **Reference of cases to Lok-Adalats or Mediation.** - Wherever the courts find, in appropriate cases, the feasibility or scope of negotiated settlement of disputes, the courts shall in accordance with rules of procedure like Section 89 and Order X CPC or the provisions of the Legal Services Act, make utmost endeavour to get such cases settled through the institutions of Lok-Adalat or Mediation etc. and shall make reference appropriately at the first available opportunity and shall continue to explore any such possibility during pendency of the case.

11. **Forwarding or transfer of cases.** - Wherever the courts find, like in the service matters, that the cases of the defence personnel are triable exclusively by any forum or tribunal constituted by law, such cases shall be forwarded or transferred as the case may be, in accord with any special legislation, without wasting any time.

12. **Training and capacity building.** - The judicial officers shall be provided such training by the Judicial Academy, at such intervals, as may be required for updating of knowledge and capacity building on the subjects concerning the defence personnel or the special procedures in respect of the litigation of the defence personnel.

By Order.


(M. K. Sharma)
Registrar General

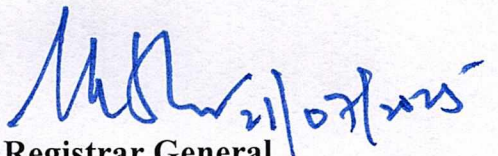
NO. : 39408-62/RG/

Dated: 21/07/2025

Copy to:

1. Ld. Advocate General, High Court of J&K and Ladakh for information.
2. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh, for information of His Lordship.
3. Secretary to Hon'ble Mr./Ms. Justice _____
..... for kind information of their Lordships.

4. Secretary to Government, Department of Law, Justice & Parliamentary Affairs, Civil Secretariat, Srinagar.
5. Law Secretary, UT of Ladakh
6. Registrar Vigilance, High Court of J&K and Ladakh, Srinagar.
7. Director, Jammu and Kashmir Judicial Academy, Srinagar.
8. Registrar Rules, High Court of J&K and Ladakh, Srinagar.
9. Registrar Judicial, High Court wing, Srinagar/Jammu.
10. Registrar (IT), High Court of J&K and Ladakh, Srinagar.
11. Member Secretary, Legal Services Authority, Srinagar.
12. Additional Solicitor General, High Court of J&K and Ladakh, Jammu / Srinagar.
13. All Principal District & Sessions Judges, UTs of J&K and Ladakh, Srinagar for information and necessary action. They are requested to circulate this Notification among all the Judicial Officers under their jurisdiction for information and necessary action.
14. Director Information, Jammu/Srinagar with the request to publish the above notification in two leading Newspapers having wide circulation in both the divisions of Jammu and Kashmir.
15. Manager, Government Press, Srinagar with the request to publish the same in the next issue of the Government Gazette.
16. Incharge, NIC, High Court of J&K and Ladakh, Srinagar for uploading on High Court website.
17. Order File


Registrar General