

HIGH COURT OF UTTARAKHAND NAINITAL



National Seminar
on
**Uniformity of Procedures and Practices
In the High Courts and Subordinate Courts**

Organized by
National Judicial Academy, Bhopal (M.P.)

UTTARAKHAND



Practices and Procedures
followed in the
State of Uttarakhand
in
Court Proceedings

**Procedure followed
in
High Court of Uttarakhand
in Court Proceedings**

1. Procedure followed in the High Court in Court proceedings

- The procedures provided in the Code of Civil Procedure, 1908 and the Code of Criminal Procedure, 1973 are followed in general in the High Court.
- The Allahabad High Court Rules as adopted in the High Court of Uttarakhand are followed in the Court proceedings detailed in the following slides.

1. Procedure followed in the High Court in Court proceedings

1.1 Hearing and Adjournment of cases (Ch. VI) :

- Cases be called on their order in the cause list.
- Cases may be disposed on the date fixed if notices served.
- Court may order a case to stand out of its place or be adjourned on application. Where adjournment for not more than three days is sought the application may be made orally.
- A case which remains part heard at the end of the day, shall unless otherwise directed, be taken first after miscellaneous cases. Every part-heard case, unless otherwise directed, be proceeded with whether any Advocate appearing in the case is present or not.

1. Procedure followed in the High Court in Court proceedings

1.1 Hearing and Adjournment of cases (Ch. VI) :

- If any part heard cases cannot be heard for more than two months the Chief Justice may order such part heard case be laid before other Judge or Judges to be heard afresh.
- A case in which a date is fixed for hearing shall, so far as possible, be placed in cause list immediately after miscellaneous and part-heard cases.

1. Procedure followed in the High Court in Court proceedings

1.1 Hearing and Adjournment of cases (Ch. VI) :

- A case in which a date is fixed for hearing shall, so far as possible, be placed in cause list immediately after miscellaneous and part-heard cases.
- Hearing in Chambers an , urgent application- a proceeding under the Indian Trusts Act or the Companies Act 1956 or the Patents and Designs Act, 1911 or any question arising or application made therein, may, in discretion of the Judge or Judges hearing the same, be heard in Chambers.

1. Procedure followed in the High Court in Court proceedings

1.2 Service of Notice (Rule 10 ,Ch. XII) :

- The provisions of order V of the Code of Civil Procedure, 1908 shall apply to the service of notice in all proceedings of the Court.

Provided that-

- (a) Where a party is represented by an Advocate notice of any proceedings in the case unless ordered otherwise be served on such Advocate.
- (b) Notice to a person residing in a Presidency town or notice of an interlocutory application may be sent by registered post; and
- (c) Where the Registrar or the Court directs that a notice be served in a particular manner it shall be served in such a manner.

2. Practices in the High Court in Court proceedings

2.1 Institution of Suits :

- At the time of institution of suit presented by an Advocate, a software generated 16 digit token number as identification of the case generated by the Case Information System (CIS) software is allotted in the institution section.
- C.I.S. Has been customised to auto-close filing at 1:30 PM to secure time for scrutiny of papers and to maintain transparent, fair and uniform practice.
- The staff at the institution section scrutinize the papers submitted by the Advocates and An eight (8) digit code has been introduced for all the cases. E.g. for service matters first two digits shows Case Type, next two digit shows Group (i.e. Class-I/II/III etc.), next two digit shows Department(e.g. Education, Police, PWD etc.) , next two digit shows matter of department (e.g. salary, pension, suspension etc.). For every nature codes shows different values.

2. Practices in the High Court in Court proceedings

2.1 Institution of Suits :

- The suits having all papers in order and without any other kind of defects are given case number as per the case category and listed before the Court on the next day as fresh cases in the Cause list. The fresh Cases are placed first in the cause list.
- A complete manual of Case Category is available at the official website of High Court of Uttarakhand (www.highcourtofuttarakhand.gov.in).
- The suits having any kind of defects are given case number as per the case category and listed before the Registrar (Judicial) for appropriate orders regarding removal of defects. A separate cause list of defected cases is published with regular cause list.

2. Practices in the High Court in Court proceedings

2.2 Case entry in CIS software:

- Fresh cases are entered in the CIS software in the institution section. The eight (8) digit code describing the nature of suit etc is generated in the Institution section.
- The details of the parties (in case there are several parties) are entered in the software by the concerned Judicial Sections.
- The concerned officials are allotted login name and password to make entries in the CIS software.
- Any amendment in the nature of suit, name of parties etc is made as per orders of the Court or Registrar General as the case may be.

2. Practices in the High Court in Court proceedings

2.3 Generation of cause list :

- The cause list is generated by CIS software on the basis of the data entered in the software. The following instructions are issued for fixation of date of a case to be entered in the cause list:-
- In matters where the date has been fixed by the Court, then that date will be the next date of hearing.
- In matters where specific date has not been fixed but it has been ordered that the case be put up after particular number of weeks, then in such cases, the concerned case will be put in the next week following the completion of the number of weeks mentioned in the order, on the same day from which the case was adjourned.
- In cases where it has been ordered by the Court to 'list the case in due course' or 'list the case in ordinary course of listing', then such cases will be listed after five (5) months in weekly cause list of the week commencing immediately thereafter.

2. Practices in the High Court in Court proceedings

2.3 Generation of cause list (Contd.):

- The regular cause list is generated on weekly basis. The regular/ weekly cause list for next week is published on the last working day of the previous week. The cause list contains the case number, brief title of the case and names of advocates appearing for the parties.
- A supplementary cause list is published on daily basis. Fresh cases, the cases in which any application is filed and the cases in which a date is fixed on the last working day of the previous week are entered in the daily /supplementary list.
- A separate supplementary cause list is published on the same day for urgent cases which are mentioned by the Hon'ble Court.
- All the cause lists are uploaded in the website of the High Court.

2. Practices in the High Court in Court proceedings

2.4 Hearing of cases:

- The cases are called out as per their serial in the cause list, subjected to any directions of the Bench.
- A software based application is developed by the High Court whereby an online display board is provided which gives the information regarding the serial number of the case being called for hearing in different courts is made available to the Advocates in their cellular phones.
- A software is also being generated regarding the progress of the case being heard in the Court. The concerned Bench Secretary is required to make necessary entries viz. calling of case, hearing in progress and conclusion of case. Such information is available to the Advocates on their cell phones through software application.

3. Procedure followed in the subordinate in Court proceedings

- The procedures provided in the Code of Civil Procedure, 1908 and Code of Criminal Procedure, 1973 are followed in general in the the Subordinate Courts of Uttarakhand.
- In the Subordinate Courts the General Rules (Civil) and General Rules (Criminal) are also followed in the Court processes. These Rules are being amended under process re-engineering and the proposed amendments have already been sent to the State Government for its approval. i.e. service of notices through electronic media.
- The State of Uttarakhand amends the Section 115 of the CPC, 1908 in the year 2005. The amendment provides that a revision U/s of the CPC lies in the district court, where the valuation of a case decided by a court subordinate to it does not exceed five lakh rupees and lies in the High Court where such value exceeds five lakh rupees.

4. Case Flow Management

4.1 Case flow management Rules:

- In compliance of Hon'ble Supreme Court's order in Salem Advocates Bar Association case, the Uttarakhand Case Flow Management Rules have been framed for the High Court as well as for the Subordinate Courts. These Rules have been notified in the year 2009.
- The said Rules provides that various types of cases are allotted/ categorized in different tracks which are to be disposed within a time as prescribed therein.

5. Case Management in Subordinate Courts

- During the Administrative Conference of District Judges of the year 2013, following directions regarding case management (How Hearing & Listing of Cases be done) were issued to the Judicial Officers:
 - Judicial Officers should arrange the cases in their Courts in such a way that oldest case appear on the top and later ones are entered lower down. This can be easily done if the top portion of the space allotted to a particular day is reserved for entering the oldest cases fixed for hearing on the day, the middle portion being similarly reserved for later cases and bottom portion for the more recent one.

5. Case Management in Subordinate Courts (Contd.)

- Presiding Officers should as far as possible, first take up cases for settlement of issues and then the cases for interlocutory order. The cases for final hearing i.e. for recording evidence and hearing arguments should be taken thereafter. To avoid harassment and inconvenience to the litigants due to frequent adjournment of cases at the fag end of the day the P.O. should ascertain in the early hours of the day as to which cases would occupy him throughout the day and which cases cannot be reached. Accordingly, the the later ones including criminal cases can be adjourned in the early hour of the day. This practice will considerably help the P.O. to have control over the pending files.

5. Case Management in Subordinate Courts (Contd.)

- The Judicial Officer should begin their work for the day by going through the cause list, dispose of all uncontested work first and then begin the contested work. In cases where adjournment is unavoidable, orders for postponement if practicable should be passed in the early hours of the day so as to avoid harassment or hardship to the parties and witnesses.
- Achieving the required outturn by disposal of a particular type of cases is not at all desirable. A Judicial Officer must evaluate his working and must dispose of on merit cases of all nature and type.
- It is the personal responsibility of the presiding officer (P.O.) to see that the record of evidence is kept legibly and in very correct manner. The depositions should be recorded in proper paragraphs and such paragraphs should be serially numbered.

5. Case Management in Subordinate Courts (Contd.)

- Attention to general letter no. 19 and 20 dated 16.10.1951 is also drawn where it is provided where the translation or transliteration in Hindi of any technical term used by a witness in the course of his statement is likely to cause confusion or difficulty in understanding the correct import of such term, court should, while recording the deposition of such witness in Hindi also put down (against such translation or transliteration) the actual English term used by him his evidence.
- The cases should be fixed carefully in the cause list so as to prevent frequent adjournments. The practice of allowing long intervals between the close of evidence and the hearing the arguments should also be avoided.

6. Case Management in Subordinate Courts – Important Circular Letters (C.L.s)

- Vide C.L. no. 13 dated 18.10.2012 the Judicial Officers are directed that priority and approach to be adopted in matters pertaining to persons suffering from any disability, children and senior citizens.
- Vide C.L. no. 7 dated 20/21. 07.2011 the Judicial Officers are directed that efforts should be made to dispose of by 31.03.2012, all the cases instituted before 01.07.2006.
- Vide C.L. no. 05 dated 15.06.2012 it is provided that the Judicial Officers are given credit of 1/20 days upon referral of case for mediation and credit of 01 day upon disposal of case on the basis of successful mediation.
- Vide C.L. no. 2 dated 03.01.2013 the Judicial Officers are directed for expeditious disposal of cases relating to incidents of rape. The pending cases u/s 376 I.P.C. be heard on day-today basis.
- Vide C.L. no. 23 dated 09.07.2014 the Judicial Officers are directed for expeditious disposal of cases against sitting MPs and MLAs filed u/s 891), 8(2) & 8(3) of the representation of peoples Act, 1951.

7. Court Management in Subordinate Courts

- The District Judges are required to ensure that all the vacant promotional seats in Class-III cadre of the districts are filled up .
- The District Judges are required to ensure that correct and complete data data is being entered in the CIS software.
- The District Judges will take suitable steps, if possible, in posting staff with newly appointed Judicial Officers so as to ensure that at least one clerk of the office of the Court of the newly appointed Judicial Officer is a experienced Clerk.
- The District Judge is required to maintain a strict vigil over the process servers and required to judge the efficiency and integrity of process servers on the basis of the amount of personal service affected by him.

7. Court Management in Subordinate Courts (Contd.)

- New Laptops with advanced configuration have been provided to the Judicial Officers of the State for their ease and efficiency in performing judicial work.
- All the efforts for computerization of the Subordinate Courts are being taken by the High Court to ensure transparency and efficiency.
- Under the e-Court project, one Senior System Officer and one System Officer alongwith two System Assistants have been posted in the High Court as technical manpower. In each district one System Officer and one System Assistant has been posted for technical support.
- Procurement of new computer sets for the subordinate courts is underway at High Court level.

8. Court Management in Subordinate Courts – Important Circular Letters (C.L.s)

- Vide C.L. no. 16 dated 21.02.2014 it is provided that the statement of sensitive and minor witnesses/ victim should be recorded before Magistrate immediately. There should be a separate room in Court premises with favorable environment where the statement of children may be recorded.
- Vide C.L. no. 03 dated 21.03.2016 the Judicial Officers are directed to follow the provisions of Section 65 B of the Indian Evidence Act in respect to the electronic evidence produced before them.

9. Facilities provided under Court Management

- The High Court of Uttarakhand and all the District Courts of the State have their own websites. The details of links of the websites of the various district Courts are available on the website of the High Court of Uttarakhand- www.highcourtofuttarakhand.gov.in and also on the National Judicial Data Grid (NJDG).
- The Judgments and orders of the High Court and Subordinate Courts are available on the concerned websites.
- The cause lists of the High Court and Subordinate Courts are being uploaded on their respective websites.

9. Facilities provided under Court Management (contd.)

- The details of cases pending before the High Court is being entered in the CIS software. It includes the details of parties, their Advocates, nature of case, concerned district, chronology of orders passed etc. The printout of the order passed may be taken from the website.
- In the High Court premises case information kiosks are installed to facilitate the litigants and Advocates for their queries.
- Digitization of the Court records is underway in the High Court. The record of all the disposed of cases up to the year 2012 has been digitized.
- The digitization of the records of Subordinate Courts is underway.

10. Important Facilities provided under e-Courts MMP

- New Computers sets are being procured for all the subordinate Courts. This will increase the efficiency in the working of the subordinate Courts.
- All the relevant data of the case status and orders and judgments of the Subordinate Courts are available on the National Judicial Data Grid (NJDG). Relevant data of High Court is available on the official website of the High Court.
- SMS service is being provided to the Advocates / Litigants at the Subordinate Courts whereby the information regarding listing of their cases in the cause lists is sent to them through a system generated SMS.
- At 21 Court complexes the concerned Jails are connected with video conference (VC) link and remand work is being done through VC.

11. Other Improvements

- The information about case type nomenclature and their nature for High Court Cases has already been submitted to the e-Committee Hon'ble Supreme Court of India as sought by it for the unification of case nomenclature throughout the Country.
- Up to date status about the cases of the Subordinate Courts of the State is made available in the National Judicial Data Grid (NJDG).
- The report regarding proposed amendments in General Rules (Civil) and General Rules (Criminal) under process re-engineering has been prepared and sent to the State Government for approval. The matter is pending at the level of the State Government.

12. Best Practices

- The Judicial Officers are provided with new laptops with advanced configuration having UBUNTU O.S. for enhancement of their efficiency and quality of their judicial work.
- The General Rules (Civil) and General Rules (Criminal) applicable to Subordinate Courts are being amended to make the procedures of the subordinate courts techno-friendly and compatible with advances of technology.
- The litigants/ Advocates are being informed about the dates of listing of their cases through SMS.
- The Cause lists, details of listing of cases and copies of Judgments/ Orders of the High Court are available on the official website.
- Remand work through video conferencing.

Thank You